

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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YINTAO YU, an
individual,
Plaintiff,

vs.

BYTEDANCE, INC., a No. 3:23-cv-04910-SI
Delaware Corporation;
SHUYI (SELENE) GAO, an
individual,
Defendants.

_____/

BYTEDANCE, INC., a Delaware
Corporation,
Counter-Claimant,

vs.

YINTAO YU, an individual,
Counter-Defendant.

_____/

VIDEOTAPED DEPOSITION OF YINTAO YU

June 7, 2024

Taken before EARLY K. LANGLEY, RMR, B.A. (PBK)
CSR No. 3537
Job No. SF 6733289

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DEPOSITION OF YINTAO YU

BE IT REMEMBERED, that pursuant to Notice, and on June 7, 2024, commencing at the hour of 12:33 p.m., in the offices of Veritext, 101 Montgomery Street, Suite 450, San Francisco, California, before me, EARLY LANGLEY, a Certified Shorthand Reporter, State of California, personally appeared YINTAO YU, produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.

---oOo---

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P R O C E E D I N G S

--oOo--

THE VIDEOGRAPHER: Good morning. We are
going on record at 12:33 p.m. on June 7, 2024. 12:33

Please note that the microphones are
sensitive and may pick up whispering and other
conversations you might not want to be on the
record.

This is Media Unit 1 of the video-recorded 12:34
deposition of Yintao Yu taken in the matter of Yu,
Yintao v. ByteDance, Inc. et al., filed in the
United States District Court for the Northern
District of California. The Case Number is
3:23-cv-04910-SI. 12:34

The location of the deposition today is
101 Montgomery Street, Suite 450, San Francisco,
California.

My name is Anna Voit, representing
Veritext, and I'm the videographer. The court 12:35
reporter today is Early Langley from the firm
Veritext. I am not related to any party in this
action, nor am I financially interested in the
outcome.

If there are any objections to proceeding, 12:35

1 please state them at the time of your appearance.

2 Counsel and all present will now state
3 their appearances and affiliations for the record,
4 beginning with the noticing attorney.

5 MR. THOMPSON: Charles Thompson for 12:35
6 ByteDance.

7 MR. GUZMAN: Anthony Guzman for ByteDance.

8 MS. KENDRA: Melissa Kendra for ByteDance.

9 MS. MAKRIS: Demetra Makris for ByteDance.

10 MR. MAOZ: David Maoz on behalf of
11 Defendant Selene Gao.

12 MR. COLE: Michael Cole, ByteDance.

13 MR. GREWAL: Rav Grewal, ByteDance.

14 MS. RIZVI: Melynnie Rizvi, ByteDance.

15 MR. JUNG: This is Charles Jung for 12:35
16 plaintiff, Yintao Yu.

17 MR. DORENBAUM: Jaime Dorenbaum for
18 plaintiff, Yintao Yu.

19 MR. THOMPSON: Also present in the room is
20 Dr. Mohammed, who is our expert on handwriting. 12:36

21 MR. JUNG: And can I just be clear,
22 Mr. Thompson, while we're on this topic, I
23 recognize some of the faces, not all of them, and
24 I know you have counsel here for ByteDance, who I
25 know. Can I just ask, who are the other people in 12:36

1 the back?

2 MS. RIZVI: So I'm Melynnie Rizvi. I'm an
3 attorney. I work for ByteDance. I lead the
4 global employment law team. And both Michael and
5 Rav are also attorneys for ByteDance that are on 12:36
6 my team.

7 THE VIDEOGRAPHER: Court Reporter, you may
8 now swear in the witness.

9 AMANDA PEETERS
10 sworn to translate from Mandarin Chinese into
11 English and from English to Mandarin Chinese
12 as follows:

13 YINTAO YU
14 sworn as a witness,
15 testified as follows:

16 THE REPORTER: You may proceed.

17 MR. THOMPSON: Thank you.

18 EXAMINATION BY MR. THOMPSON:

19 Q. Mr. Yu, do you speak English?

20 A. (In English:) I speak -- 12:37

21 THE INTERPRETER: (Interpreting.)

22 THE WITNESS: (In English:) Yeah.

23 (Via Interpreter:) Yeah.

24 BY MR. THOMPSON:

25 Q. Do you require the assistance of the court 12:37

1 reporter -- or the interpreter?

2 A. (In English:) Yes.

3 THE INTERPRETER: (Interpreting.)

4 THE WITNESS: (In English:) Yes.

5 (Via Interpreter:) Yes. 12:37

6 MR. JUNG: And just to be clear, let's let
7 the interpreter interpret the words first, and
8 then you can give your answers.

9 THE WITNESS: (In English:) I understand.

10 MR. JUNG: Just to -- 12:37

11 THE INTERPRETER: (Interpreting.)

12 BY MR. THOMPSON:

13 Q. Seems like a silly question, but if you
14 speak English, why do you require an interpreter?

15 A. (In English:) I don't understand a 12:38
16 hundred percent.

17 Q. Okay. Would you like to proceed in
18 English and if there is a problem with your
19 understanding, have it interpreted, or would you
20 like the entire deposition interpreted? 12:38

21 A. (In English:) So I will try to answer in
22 English, but I need to have the translator to
23 translate to Mandarin for the questions.

24 Q. Okay. That works.

25 MR. THOMPSON: Is that okay with you, 12:38

1 Counsel?

2 MR. JUNG: It is.

3 BY MR. THOMPSON:

4 Q. Okay. And are you having any difficulty
5 understanding the interpreter? 12:38

6 A. (In English:) So far, I don't. I don't
7 see any problem.

8 Q. Okay. And if you do, will you alert us to
9 it, please, right away?

10 A. (In English:) I think I will. 12:39

11 Q. Okay. Very good.

12 MR. THOMPSON: Before we start the
13 questioning, I do want to clarify what the
14 objectives were for this deposition today.

15 I had notified plaintiff's counsel, 12:39
16 Jamie -- Jaime Dorenbaum, that we were going to
17 bring our expert witness to this deposition for
18 the ease of the parties so that he could evaluate
19 Mr. Yu's handwriting and that we would use up a
20 part of our deposition time to do that, that he 12:39
21 would be taking --

22 THE INTERPRETER: Counsel, could
23 you pause --

24 MR. THOMPSON: I don't know that this
25 needs to be interpreted for the witness. It's 12:39

1 really for the record.

2 Charles, do you want it interpreted for
3 the witness?

4 MR. JUNG: Why don't you just state maybe
5 two or three sentences at a time and then have her 12:40
6 interpret it.

7 MR. THOMPSON: Good enough.

8 All right. Do you want to take it from
9 there.

10 THE INTERPRETER: (Interpreting.) 12:40

11 MR. THOMPSON: So my idea was that for the
12 sake of efficiency and time, that the expert would
13 come here today, take the writing samples from
14 Mr. Yu and examine them and also examine an
15 original document that we located at the same time 12:40
16 in the presence of counsel for counsel's
17 convenience.

18 I thought I had Mr. Dorenbaum's agreement
19 to this, but Mr. Jung is now objecting.

20 THE INTERPRETER: (Interpreting.) 12:41

21 MR. THOMPSON: Do you want to state your
22 objection.

23 THE INTERPRETER: (Interpreting.)

24 MR. JUNG: I will, yes. Thank you,
25 Mr. Thompson. 12:41

1 So this deposition is noticed under
2 Rule 30. Rule 30 calls for oral examinations. It
3 does not call for a physical demonstration,
4 physical examination. None of those things are
5 permitted under the rule. 12:41

6 And I've been informed by the expert
7 off the record that what is intended is
8 approximately 60 exemplars, and that is certainly
9 nothing we ever discussed or ever agreed to.

10 There's been no parameters or protocols 12:42
11 established for this physical, in effect,
12 examination, and it's improper under Rule 30.

13 Having said that --

14 THE INTERPRETER: (Interpreting.)

15 MR. JUNG: Having said that, despite the 12:43
16 notice under Rule 30, and even Rule 34, relating
17 to the production of documents, this is not an
18 examination by oral question, and nothing empowers
19 ByteDance to compel my client to sign documents on
20 the spot at this deposition. 12:43

21 Having said that, as a compromise, I will
22 allow an exemplar to be taken on the record and on
23 camera, but that will be one exemplar. That
24 should be enough. So that's my compromise. Sixty
25 is not going to happen. 12:44

1 THE INTERPRETER: (Interpreting.)

2 MR. THOMPSON: All right. We disagree
3 with that interpretation. This was briefed to the
4 Court so that we could have him live and in person
5 here. We also noticed the deposition with a 12:45
6 demand for inspection.

7 And I informed Mr. Dorenbaum of our
8 intentions, that we were bringing this expert here
9 for this purpose, and the time to have objected to
10 that would have been before I flew him up here 12:45
11 from San Diego and blew an entire day and travel
12 expenses and all that comes with that.

13 So this was an effort for the convenience
14 of the client and for the convenience of counsel
15 to get this done at the same time of this 12:45
16 deposition. Your objections are not well taken.

17 We will be seeking redress from the Court,
18 and we will be seeking the costs of bringing
19 Mr. Yu back and Dr. Mohammed back to get this done
20 a second time, which will probably be significant. 12:46

21 THE INTERPRETER: (Interpreting.)

22 MR. JUNG: My understanding of the law is
23 that there is no basis to require exemplars to be
24 produced under deposition-like conditions. That's
25 my understanding of the case law. I'll observe 12:47

1 that there are one, two, three, four, five, six,
2 seven -- eight attorneys here on the defense side.

3 What I have offered before this deposition
4 began, before we went on the record, is that if I
5 am wrong on the law, please -- please show me. 12:48
6 But that is my understanding of the law.

7 If there's a -- you know, I've offered a
8 compromise, and I'm willing to proceed on that
9 basis. And so that's -- that's our position.

10 MR. THOMPSON: We will -- 12:48

11 THE INTERPRETER: (Interpreting.)

12 BY MR. THOMPSON:

13 Q. Can you understand most of what we're
14 saying?

15 A. (In English:) It is a question for me? 12:49

16 Q. Yeah. "Yes" or "no"?

17 A. (In English:) Most.

18 Q. Would it be possible, because I'm
19 concerned that this deposition is never going to
20 finish in seven hours with this interpretation, 12:49
21 that you could alert us if you don't understand
22 some of this rhetoric and then have it
23 interpreted?

24 THE INTERPRETER: (Interpreting.)

25 MR. JUNG: Look, we've already talked 12:49

1 about this, Mr. Thompson.

2 I have a compromise for you there, which
3 is that with respect to this beginning colloquy
4 that we're having stating things on the record,
5 since that is primarily for counsel and for the 12:50
6 record, why don't we do that in English only. Is
7 that fair?

8 MR. THOMPSON: Okay.

9 THE INTERPRETER: (Interpreting.)

10 MR. THOMPSON: Let's get the one 12:50
11 signature, and then we'll proceed.

12 MR. JUNG: That sounds great.

13 MR. THOMPSON: All right. Dr. Mohammed --

14 MS. RIZVI: Can I just state for the
15 record that while there are eight attorneys here, 12:50
16 we disagree with your interpretation of the law.
17 I don't want to take up the deposition time, but I
18 want to make that clear, and I don't want you to
19 make additional representations in the future that
20 we don't. We disagree with your interpretation of 12:50
21 the law. I think you're wrong.

22 MR. JUNG: Representations about what?

23 I'm not making -- I'm not sure I'm making
24 representations, Counsel.

25 MR. THOMPSON: Just for the record, we are 12:50

1 not waiving our rights to a full inspection by
2 accepting your compromise, but we do recognize
3 that there is something on the table, and we do
4 want to accept it.

5 MR. JUNG: Thank you. 12:51

6 THE WITNESS: (In English:) This a ECIAA.
7 I'm not going to sign it. I will sign on the
8 back.

9 MR. JUNG: So -- so just for the record,
10 what's been placed in front of Mr. Yu is a 12:51
11 signature page for the ECIAA. That's -- we
12 definitely did not talk about this. It says (as
13 read):

14 "Signature page for confidentiality
15 and inventions assignment agreement." 12:51

16 We are not signing that, and Mr. Yu, I
17 think properly, turned the page over, and we will
18 sign that.

19 So go ahead and proceed, Mr. Yu.

20 THE WITNESS: (In English:) I use my own 12:51
21 pen.

22 MR. JUNG: Mr. Mohammed.

23 MR. THOMPSON: Okay. For the record, I
24 have a brown envelope, and it is -- got dang an
25 dai, d-a-n-g a-n d-a-i, on the front of it. It 12:52

1 has been in my custody. It is an original
2 document. And I'm just going to pull it out here
3 so the other side can see it.

4 And I'm going to -- and I'm going to give
5 this to Dr. Mohammed, and he's going to take it 12:52
6 out, and one of your attorneys and one of my
7 attorneys is going to go watch him take a look at
8 it and examine it.

9 Okay?

10 MR. JUNG: Okay. 12:52

11 MR. THOMPSON: Okay.

12 MR. JUNG: Did you mean examine it -- what
13 do you mean?

14 MR. THOMPSON: In the other room.

15 MR. JUNG: Oh, okay. 12:53

16 MR. THOMPSON: In front of lawyers.

17 MR. JUNG: Okay. All right. That's fine.

18 MR. THOMPSON: Then we can get on with
19 things.

20 Q. All right. Will you please state and 12:54
21 spell your name for the record, Mr. Yu.

22 A. (In English:) Y-i-n-t-a-o Y-u.

23 Q. Have you ever been known by any other
24 name?

25 A. (In English:) No. 12:54

1 Q. Have you ever had your deposition taken
2 before?

3 A. (In English:) No.

4 Q. There are some instructions that go with
5 the deposition process that I am going to go over 12:54
6 with you.

7 The oath that was administered to you
8 earlier is the same oath that you would receive in
9 open court, carrying with it the same importance
10 to tell the truth and the same penalties of 12:54
11 perjury.

12 Do you understand that?

13 A. (In English:) Okay.

14 (Via Interpreter:) Okay.

15 Q. We require verbal responses. If you say 12:55
16 "uh-huh," "huh-uh," that sort of thing, the court
17 reporter can't take them down.

18 A. (In English:) Okay.

19 Q. Okay. We want to make sure, especially
20 working with the interpreter, that you understand 12:55
21 each question before you answer it. If you don't
22 understand the question, please let us know.

23 A. (In English:) Okay.

24 Q. We don't want you to guess or estimate
25 about anything -- excuse me. We don't want you to 12:56

1 guess about anything. We are entitled to your
2 best estimates of things like times and distances,
3 that sort of thing.

4 If you have to guess, please let us know,
5 and we'll rephrase the question for you. Okay? 12:56

6 A. (In English:) Okay.

7 Q. Please let us know if you need to take a
8 break.

9 A. (In English:) Okay.

10 Q. When the deposition is done, you'll have 12:57
11 the opportunity to make any changes in your
12 testimony you deem necessary. If you make a
13 change in your testimony, "yes" to "no," that sort
14 of thing, the lawyers involved in the case have
15 the opportunity to point that out to the jury and 12:57
16 the Court. That's why it's important you
17 understand the questions the first time.

18 A. (In English:) Okay.

19 (Via Interpreter:) Okay.

20 Q. Is there any reason you can't give us your 12:58
21 best testimony today?

22 A. (In English:) I don't understand this
23 question.

24 Q. Are you on any medication? Are you sleep
25 deprived? Do you have a headache? Is there any 12:58

1 reason you can't give us your best testimony
2 today?

3 A. (In English:) I don't think so.

4 Q. Other than talk to your lawyers, what did
5 you do to prepare for your deposition today? 12:58

6 A. (In English:) No.

7 "No," I said.

8 Q. You didn't do anything to prepare for your
9 deposition today?

10 A. (In English:) I talked to my attorneys. 12:59

11 Q. Okay. Don't want to know what you talked
12 about with your attorneys.

13 Did you do anything else? Review any
14 documents? Review any discovery in the case?
15 Look at any pictures? Anything? 12:59

16 A. (In English:) All I did is, I talked to
17 my attorney.

18 Q. Okay. You had an opportunity to meet with
19 your lawyers today. "Yes"?

20 You need to respond verbally. "Yes"? 13:00

21 A. (In English:) Yes.

22 Q. And about how long were you able to meet
23 with them?

24 A. (In English:) You mean today?

25 Q. Yes. 13:00

1 A. (In English:) I met them about at noon.

2 Q. And that's the only time you spent with
3 them, from noon until the deposition started?

4 A. (In English:) Yeah.

5 Q. Okay. I don't want to know what you've 13:00
6 said to your attorneys at any time, but I can ask
7 you questions around other things having to do
8 with them.

9 How did you select your lawyers?

10 MR. JUNG: And objection. I'm going to 13:01
11 object on privacy and relevance grounds;
12 potentially on privilege, depending on what answer
13 you're explicitly seeking.

14 But may I ask for an offer of proof,
15 Counsel, as to the connection to this -- to the 13:01
16 issues, the claims and the defenses in this case?

17 THE INTERPRETER: (Interpreting.)

18 MR. THOMPSON: I'll ask a simpler
19 question.

20 THE INTERPRETER: (Interpreting.) 13:01

21 BY MR. THOMPSON:

22 Q. I'm just looking for, externally, how you
23 picked your lawyers; if you picked them out of a
24 phone book, if you got them as referral, how you
25 wound up finding Mr. Jung. 13:02

1 MR. JUNG: And I'll make the same
2 objections and, again, kindly ask Mr. Thompson for
3 an offer of proof as to the relevance and how this
4 relates to the claims and defenses in this
5 litigation. 13:02

6 THE INTERPRETER: (Interpreting.)

7 MR. THOMPSON: So are you instructing him
8 not to answer on attorney-client privilege?

9 MR. JUNG: I'm asking for an offer of
10 proof. 13:02

11 MR. THOMPSON: I don't think I need an
12 offer of proof.

13 MR. JUNG: Well, you're --

14 MR. THOMPSON: I'm just asking him how he
15 picked you. 13:02

16 MR. JUNG: Well, but that's the question.
17 Why? Right?

18 So I would think, at a minimum, this is
19 covered by the federal right to privacy, and also
20 the California Constitution, which also has a 13:03
21 right to privacy.

22 You know, how one selects an attorney
23 doesn't make any fact more or less likely that
24 establishes any element in any claim in either the
25 claim or the affirmative defenses, and, therefore, 13:03

1 I see no relevance and -- particularly on a
2 private matter such as the choice of counsel.

3 So, again, I ask for an offer of proof,
4 please.

5 MR. THOMPSON: I really disagree with you 13:03
6 there, but I'll move on because it's not that
7 interesting of a point. I thought it was just a
8 foundational thing.

9 MR. JUNG: Thank you.

10 MR. THOMPSON: But it is interesting 13:03
11 you're standing on that objection.

12 BY MR. THOMPSON:

13 Q. Besides your attorney, who have you talked
14 to about your claims with ByteDance?

15 A. (In English:) I need to -- a 13:04
16 clarification. What do you mean by "talk"?

17 Q. Well, the question is, have you talked to
18 anybody about this case? That would include
19 civilians, ByteDance employees, reporters,
20 congressmen, people on the street, anyone. 13:04
21 Anyone.

22 MR. JUNG: Vague.

23 MR. THOMPSON: Let's break it down.

24 MR. JUNG: Hold on a second.

25 Vague. 13:05

1 BY MR. THOMPSON:

2 Q. Have you talked to any ByteDance employees
3 or former employees about your claims?

4 A. (In English:) How is this relevant to the
5 formation of the disputed documents? 13:05

6 Q. You don't get to make objections. Answer
7 the question.

8 MR. JUNG: You can answer the question as
9 to who you -- what former employees, if any,
10 you've spoken to about the claims in this case. 13:05

11 THE INTERPRETER: (Interpreting.)

12 THE WITNESS: (In English:) It's still
13 pretty vague. And what do you mean by "this
14 case"?

15 MR. JUNG: Would you mind if I took five? 13:06

16 MR. THOMPSON: Yeah.

17 MR. JUNG: Okay.

18 MR. THOMPSON: Why don't you go do that.

19 We'll go off the record for five minutes.

20 Thank you. 13:06

21 THE VIDEOGRAPHER: Time is 1:06 p.m., and
22 we are off the record.

23 (Recess taken.)

24 THE VIDEOGRAPHER: The time is 1:23 p.m.,
25 and we are back on the record. 13:23

1 BY MR. THOMPSON:

2 Q. The question pending is, who have you
3 spoken with about this case who are former or
4 current ByteDance personnel?

5 A. (In English:) To my recollection, none. 13:24

6 Q. Have you spoken with any reporters about
7 this case?

8 A. (In English:) To my recollection, no.

9 Q. Have you spoken with any police
10 authorities, FBI, any -- any agencies at all, 13:24
11 involving cyber security or any of the allegations
12 in your case?

13 MR. JUNG: Vague.

14 THE INTERPRETER: (Interpreting.)

15 MR. JUNG: And let me just help you here a 13:25
16 second.

17 So, here, you're asking for, also,
18 underlying allegations, right, not just this --
19 not just this particular case? I'm just trying to
20 save you a little bit of time. I think that 13:25
21 exceeds the scope of relevance, but --

22 MR. THOMPSON: Yeah, it was really just
23 sort of a foundational question.

24 MR. JUNG: Okay. I'll let you proceed,
25 then. 13:25

1 MR. THOMPSON: Yeah.

2 THE WITNESS: (In English:) What case you
3 are referring to?

4 MR. JUNG: He just means this case. This
5 case. 13:25

6 BY MR. THOMPSON:

7 Q. Yeah, why we're here.

8 A. (In English:) I haven't talked to any,
9 like, agency or government agency or FBI for this
10 DJ action, this case. 13:26

11 Q. There have been several declarations filed
12 in this case by other witnesses. Have you talked
13 to any of those people; Mr. Xia, Mr. Zhang, any of
14 those folks?

15 A. (In English:) Yes, I did. 13:26

16 Q. Okay. Who have you spoken to?

17 A. (In English:) I talked to Mr. Zhang and
18 Mr. Xia.

19 Q. Okay. And let's take them one at a time.

20 Who did you -- I'm sorry. I'm not as good 13:26
21 with their names. Mr. Zhang, what did you talk to
22 him about?

23 A. (In English:) I don't think it's relevant
24 in this case.

25 Q. Okay. 13:27

1 A. (In English:) Why this relevant for the
2 formation of the disputed documents?

3 Q. Well, I don't know that until you tell me
4 what the discussion is about.

5 And you don't get to make the objections. 13:27
6 If you keep doing this, we are going to have to
7 stop the deposition and go back to court and get a
8 special master.

9 MR. THOMPSON: Do you want to talk to him
10 again? I'm not -- 13:27

11 MR. JUNG: I think -- I think --

12 Do you want to talk to me? I think you
13 can answer this question.

14 THE WITNESS: (In English:) Okay. That's
15 fine. 13:27

16 THE INTERPRETER: (Interpreting.)

17 THE WITNESS: (In English:) Okay.

18 BY MR. THOMPSON:

19 Q. Answer the question.

20 A. (In English:) Repeat your question. 13:28

21 MR. JUNG: He wants to know, I think, what
22 you talked about with Mr. Zhang.

23 THE INTERPRETER: (Interpreting.)

24 BY MR. THOMPSON:

25 Q. Correct. 13:28

1 A. (In English:) I talked with him regarding
2 his experience.

3 Q. At ByteDance?

4 A. (In English:) At ByteDance. And how his
5 family got retaliated. 13:28

6 Q. Okay. Did you talk to him at all about
7 your onboarding at ByteDance or signing any of the
8 documents that you signed or didn't sign?

9 A. (In English:) No.

10 Q. Was that a "yes"? 13:29

11 A. (In English:) No.

12 MR. JUNG: He answered "No." I think you
13 may have misheard him, Chuck. He answered "No."

14 BY MR. THOMPSON:

15 Q. Okay. What did you talk to Mr. Xia about? 13:29
16 I might have mispronounced his name. I apologize.

17 A. (In English:) I already answered the
18 question.

19 Q. There are two declarants. There's one
20 that's basically about the experience in China, 13:29
21 and there was the other one that was talking
22 about --

23 A. (In English:) You already asked --

24 THE WITNESS: (In English:) Can you
25 translate? 13:30

1 THE INTERPRETER: (Interpreting.)

2 THE WITNESS: (In English:) I just

3 answer -- maybe you are confused. I just answer

4 the -- regarding Mr. Zhang. Are you referring to

5 the other declarant?

13:30

6 BY MR. THOMPSON:

7 Q. Maybe I am. I was trying to do both of

8 them. So what did you talk to the other one

9 about?

10 A. (In English:) The other one?

13:30

11 I talked to him regarding what happened

12 about the intrusion of the private investigator.

13 Q. Okay. Did you talk to him at all about

14 any of the facts of your case?

15 A. (In English:) No.

13:31

16 Q. Okay. Now, have you spoken to anyone

17 other than your attorneys about the facts of this

18 action, the formation of the documents at the

19 beginning of your hiring, and the arbitration

20 agreements?

13:31

21 A. (In English:) No.

22 Q. Other than your lawyers, have you had any

23 phone or email or other written conversations with

24 anyone else about this case?

25 A. (In English:) So to my recollection, no. 13:32

1 The one thing I did is, I went out on
2 street. I presented some signatures to some on
3 the street and asked them -- I did not say, "These
4 are my signature." I just say, "These are some
5 verified signatures. There's some disputed 13:32
6 signatures. Do you think these signatures are
7 signed by the same person?" I did some test.

8 So I basically interview some random
9 street person, a few of them, and asked them, "Do
10 you think these verified signatures and these 13:32
11 disputed signature -- do you believe these
12 signatures were from the same person?"

13 And all of their answers were, "No, it's
14 signed by a different person."

15 That's what I did, and that's all I did, 13:33
16 talk to third party.

17 Q. Those are just random people on the
18 street?

19 A. (In English:) Random people on the
20 street. Because I was -- 13:33

21 Q. Have you had -- go ahead.

22 A. (In English:) Just a test.

23 Q. Have you had your signature checked by any
24 expert?

25 A. (In English:) Yes. 13:33

1 Q. And who is that expert?

2 A. (In English:) Chrisman.

3 Q. Chris Smith.

4 And have you had your signatures evaluated
5 by anyone other than the random folks on the 13:33
6 street and Chris Smith?

7 MR. JUNG: Just to help you out, he said
8 "Chrisman." Chrisman.

9 MR. THOMPSON: Chrisman. Thank you. I
10 appreciate that. 13:34

11 THE WITNESS: (In English:) To my -- to
12 my recollection, no. To my recollection, no.

13 BY MR. THOMPSON:

14 Q. Okay. When Chrisman evaluated your
15 signature, how many times did you sign your 13:34
16 signature for him?

17 A. (In English:) That's a question for my
18 attorney, not for me.

19 Q. Were you there?

20 A. (In English:) It's -- my attorney 13:34
21 retained Chrisman.

22 Q. I understand that. But you were there,
23 and you signed your name; right?

24 A. (In English:) I never talked to -- I
25 never seen Chrisman, so... 13:35

1 Q. So you didn't --

2 A. (In English:) My attorney provided some
3 verified documents to her.

4 Q. Okay. So you did not do any fresh
5 signatures for her? 13:35

6 A. (In English:) I think this case is about
7 signatures around 2017, first of all.

8 Second of all, we sent her a number of
9 original documents containing my signature during
10 that period. 13:35

11 Q. What original documents from 2017 did you
12 send to Chrisman?

13 THE WITNESS: (In English:) Is Jaime
14 here?

15 To my recollection, there were the 13:36
16 advisory agreement, the Tank Exchange foreign -- I
17 think it's called a registration.

18 You can read it from Chrisman's
19 declaration what documents were our original
20 documents. It's in her declaration. 13:36

21 MR. THOMPSON: I don't remember, Counsel.
22 Did you produce those documents to us?

23 MR. JUNG: I -- I believe so, yeah.

24 MR. THOMPSON: Okay.

25 MR. JUNG: I don't know off the top of my 13:36

1 head, but I believe so.

2 MR. THOMPSON: I'll put a little star by
3 that, and we can come back to it.

4 BY MR. THOMPSON:

5 Q. So I'm still not clear. I hate to ask the 13:37
6 question of you again, but it's not clear in my
7 mind.

8 You did not -- when Chrisman was hired,
9 you were not requested to sign your name in --
10 whenever it was, 2023, whenever you hired him; 13:37
11 right?

12 A. (In English:) No.

13 Q. That is correct?

14 A. (In English:) That is correct.

15 Q. All right. Did you bring any new 13:37
16 documents with you today?

17 A. (In English:) No.

18 MR. THOMPSON: All right. So as Exhibit
19 Number 1, we are going to mark the Notice of
20 Deposition. 13:38

21 THE INTERPRETER: (Interpreting.)

22 MR. JUNG: And, Mr. Thompson, I'm assuming
23 when you asked that question, that you didn't mean
24 the USB that we delivered to your team today.

25 MR. THOMPSON: Correct. 13:38

1 MR. JUNG: Right. Since that was counsel
2 to counsel.

3 (Whereupon, Defendant's Exhibit 1 was
4 marked for identification.)

5 BY MR. THOMPSON: 13:38

6 Q. All right. So we've marked as Exhibit 1
7 notice of your deposition today.

8 MR. THOMPSON: Counsel, I sent Jaime an
9 email yesterday and asked him to go over the
10 requests for production and the document requests 13:38
11 and demands, et cetera, so we could speed this up
12 a little bit.

13 Did you have a chance to go over it before
14 you came over? And the reason I ask is, is there
15 anything new other than the thumb drive you gave 13:39
16 to us prior to the deposition?

17 MR. JUNG: I haven't gone over them.
18 Maybe Jaime has. But since he's in the room with
19 your expert right now, maybe we could ask him at a
20 break. Is that okay? 13:39

21 MR. THOMPSON: That's fine, or we can
22 bring him back on the record for that. But as far
23 as you know, the answer is no?

24 MR. JUNG: As far as I know, we've given
25 you what you asked for and what ByteDance is 13:39

1 entitled to. So as far as I know, there's nothing
2 else we're producing in production today. But we
3 can clarify with Jaime.

4 MR. THOMPSON: Okay. Let's come back to
5 that when he comes back in the room. 13:39

6 Anybody got a Post-it note or something?

7 MR. JUNG: There's one there.

8 BY MR. THOMPSON:

9 Q. All right. I'm going to ask you a couple
10 of background questions here. You can set that to 13:40
11 the side.

12 THE WITNESS: (In English:) So just give
13 it to you?

14 MR. JUNG: Yeah.

15 BY MR. THOMPSON: 13:40

16 Q. What's your date of birth?

17 A. (In English:) August 13, 1986.

18 Q. Where were you born?

19 A. (In English:) Shanghai.

20 Q. Have you ever used the alias Ben Yu? 13:40

21 A. (In English:) No.

22 Q. Is that a "yes"?

23 A. (In English:) No.

24 Q. Have you ever used the alias Brian Yu?

25 A. (In English:) No. 13:41

1 Q. Have you ever used the alias Harry Yu?

2 THE WITNESS: (In English:) Why is this
3 relevant?

4 MR. JUNG: It's not relevant, but it's
5 fine to let him go a little bit. 13:41

6 BY MR. THOMPSON:

7 Q. Yeah, I'm done with this after this
8 question.

9 A. (In English:) No.

10 Q. Okay. Are you a lawful resident alien in 13:41
11 the United States?

12 A. (In English:) Yes.

13 Q. Okay. And as of when?

14 MR. JUNG: I also don't think this is
15 relevant, and so I'll object on that ground, but 13:41
16 I'll let him answer that question.

17 THE WITNESS: (In English:) 2015.

18 BY MR. THOMPSON:

19 Q. Okay. And has your status been valid
20 since acquisition? 13:41

21 MR. JUNG: Vague and irrelevant.

22 What does -- what does documented status
23 have to do with a signature case, Mr. Thompson?

24 MR. THOMPSON: Well, I'll make a quick
25 offer of proof on this. 13:42

1 It's my understanding that although he was
2 requested during the process of all the document
3 signing to have produced a green card, he never
4 did with the actual number on the green card being
5 produced. It was always either covered over, et 13:42
6 cetera.

7 So one of the things we requested that he
8 bring with him is his actual green card.

9 So his status, because we didn't -- we
10 never really knew his status, is sort of a part of 13:42
11 that whole process of back-and-forth and documents
12 that were going back and forth in the inception.

13 THE INTERPRETER: (Interpreting.)

14 MR. JUNG: But -- I'm sorry. So -- but
15 what does whether Mr. Yu has maintained continuous 13:42
16 lawful status in the country have to do with that
17 question?

18 MR. THOMPSON: Well, let me try it another
19 way.

20 BY MR. THOMPSON: 13:43

21 Q. During the time that you were applying for
22 the position at ByteDance, did you have a valid
23 green card?

24 A. (In English:) I think you need to clarify
25 your question. So what do you mean by "apply to 13:43

1 ByteDance"?

2 Q. You applied for a job at ByteDance;
3 correct?

4 A. (In English:) To my understanding, that
5 is incorrect. 13:43

6 Q. Why is that incorrect?

7 A. (In English:) So ByteDance begging me to
8 join their company for months. I did not apply
9 for job.

10 MR. JUNG: I can -- it's -- pronunciation 13:44
11 clarification: ByteDance begged him to join the
12 company for months.

13 MR. THOMPSON: I had it on the realtime,
14 but thank you, Counsel.

15 BY MR. THOMPSON: 13:44

16 Q. Okay. I didn't mean to get hung up on
17 semantics there.

18 I was, again, just trying to lay
19 foundation that when you were going through the
20 hiring process with Flipagram or ByteDance or 13:44
21 whatever, did you have a valid green card?

22 THE INTERPRETER: Counsel, what's the
23 first company's name again?

24 MR. THOMPSON: Flipagram.

25 THE INTERPRETER: Flipagram? 13:45

1 MR. THOMPSON: F-l-i-p-a-g-r-a-m.

2 MS. RIZVI: F-l-i-p-o-g-r-a-m. Flipogram.

3 Flipogram.

4 THE INTERPRETER: (Interpreting.)

5 THE WITNESS: (In English:) First of all, 13:45

6 I need to clarify. My employment has nothing to

7 do with Flipagram. So I joined ByteDance. I did

8 not join Flipagram. I want to clarify that.

9 Second of all, I did have my green -- I

10 did have my valid green card when I joined 13:45

11 ByteDance.

12 BY MR. THOMPSON:

13 Q. Did you ever produce that green card

14 unredacted and -- and unobstructed to ByteDance?

15 THE INTERPRETER: Counsel, could you 13:46

16 repeat your question again, please?

17 MR. THOMPSON: Oh, my god.

18 MR. JUNG: I -- I couldn't make out your

19 word either, Chuck. It's not her.

20 MR. THOMPSON: Okay. 13:46

21 (Record read by the court reporter.)

22 MR. THOMPSON: Thank you.

23 THE INTERPRETER: (Interpreting.)

24 THE WITNESS: (In English:) So they asked

25 to see my green card, and then I show them 13:47

1 multiple times. The last time I show them was in
2 December 2017, although I show my green card to
3 them prior to that.

4 BY MR. THOMPSON:

5 Q. My question is, did you ever show them the 13:47
6 whole green card, with the numbers and everything
7 on it?

8 A. (In English:) Yes, I -- so they asked to
9 see the whole green card, and I show them, but I
10 told them that "I don't want to give you a 13:47
11 photocopy unredacted."

12 Q. Why?

13 A. (In English:) It's -- it's my -- it's my
14 document. They are not entitled to get a
15 photocopy. All they need to do is see if it's 13:48
16 valid. They are not entitled to get a copy of it.

17 Q. Why would you not let them have a copy of
18 it? I don't understand.

19 MR. JUNG: That's asked and answered.

20 BY MR. THOMPSON: 13:48

21 Q. Can you explain that to me?

22 A. (In English:) I don't want -- I don't
23 want to add any more answers to the question I
24 already answered.

25 Q. Okay. 13:48

1 MR. JUNG: And to speed this up, Chuck,
2 I'm not sure if it helps, but I don't think a copy
3 is required. Actually, all you have to do is --

4 MS. RIZVI: It is required.

5 MR. JUNG: -- show a copy. But, you know, 13:48
6 asking for a copy, that's not required.

7 MR. THOMPSON: Well, do you have some
8 authority --

9 MS. RIZVI: A copy is required by law for
10 us to verify I-9 work authorization. It's 13:49
11 specifically stated in the regulations.

12 MR. JUNG: Okay. But I don't think he's
13 required to make a copy and provide --

14 MS. RIZVI: No, he is required to give it
15 to us so that we can make a copy so that we can 13:49
16 legally prove that we are employing people that
17 are legally entitled to work in the United States.

18 MR. JUNG: Okay. Very good.

19 And may I get your name again?

20 MS. RIZVI: Melynnie Rizvi. 13:49

21 MR. JUNG: Okay, great. Because you've
22 been making statements on the record.

23 MS. RIZVI: I'm an attorney --

24 MR. JUNG: No, I'm not doubting --

25 MS. RIZVI: I'm an attorney --

1 MR. JUNG: -- that you're an attorney.

2 MS. RIZVI: I have been an employment
3 attorney for 25 years.

4 MR. JUNG: I'm not doubting your
5 credentials one bit. 13:49

6 BY MR. THOMPSON:

7 Q. Okay. So who did you show your green card
8 to?

9 A. (In English:) Back in Beijing, when I was
10 in Beijing, I show to a HR person. I don't recall 13:49
11 the name. And then they don't -- are you ready?

12 (Record read by the court reporter.)

13 THE WITNESS: (In English:) Okay. And
14 then -- I haven't finished.

15 He doesn't seem to listen to me. 13:50

16 MR. JUNG: No, you can finish.

17 THE WITNESS: (In English:) I can finish?
18 Okay.

19 And later on, I think in December 2017,
20 they asked me to -- they asked me again that they 13:50
21 want to see my green card.

22 BY MR. THOMPSON:

23 Q. Was the person in Beijing Dave Wang?

24 MR. THOMPSON: It's either Wong or Wang.
25 Wang. 13:51

1 THE INTERPRETER: W-a-n-g, W-o-n-g. Let
2 me -- Tab 18.

3 THE WITNESS: (In English:) I don't -- I
4 don't recall exactly. It's HR person.

5 BY MR. THOMPSON: 13:51

6 Q. And then in December 2017, who asked you
7 again to see your green card?

8 A. (In English:) So Defendant Shuyi Gao
9 asked me again to show my green card, and I -- and
10 then she instruct me to show to a person. Her 13:51
11 name is Jingjing Lu.

12 Q. And did you show it to both of them?

13 A. (In English:) No, I -- I believe I only
14 show to Jingjing Lu.

15 Q. And did you show it to her with the 13:51
16 numbers exposed so she could see all of it?

17 A. (In English:) Exactly.

18 Q. Where did that happen?

19 A. (In English:) December 2017.

20 Q. And where? 13:52

21 A. (In English:) I don't -- I don't recall.

22 Q. Was it in the Menlo Park office?

23 A. (In English:) I don't -- I don't recall
24 where.

25 Q. Do you have the same green card today that 13:52

1 you had in 2017?

2 A. (In English:) The green card is from
3 2015.

4 (Via Interpreter:) The green card is from
5 2015. 13:52

6 BY MR. THOMPSON:

7 Q. So it's the same one you have today?

8 A. (In English:) Yes.

9 Q. Okay. Is it currently in your possession?

10 A. (In English:) I believe so, but I haven't 13:53
11 seen it for a while.

12 Q. Where do you currently live?

13 MR. JUNG: You can contact Mr. Yu through
14 counsel.

15 MR. THOMPSON: Why can't we know his 13:53
16 residence?

17 MR. JUNG: You -- because Mr. Yu has a
18 right to privacy.

19 You're not -- you also have sent at least
20 one, but I believe more, private investigators 13:53
21 to -- for various purposes. We believe for
22 harassment purposes.

23 And because federal law recognizes a right
24 to privacy and the person's home address, for
25 those reasons, you can contact him through 13:54

1 counsel, as you already have been doing.

2 MR. THOMPSON: Well, Counsel --

3 BY MR. THOMPSON:

4 Q. Well, let me ask this question: Are you
5 currently residing in California? 13:54

6 A. (In English:) Yes.

7 Q. And have you continuously been residing in
8 California for the last three years?

9 A. (In English:) Yes.

10 MR. THOMPSON: And I think, Counsel, we've 13:54
11 asked you to produce a copy of his current green
12 card; have we not?

13 MR. JUNG: I'm not sure, but we can talk
14 about that on the -- at the break.

15 MR. THOMPSON: Okay. 13:55

16 BY MR. THOMPSON:

17 Q. And you did not bring a copy of it today
18 to the deposition?

19 Did you bring a copy of it today to your
20 deposition, your green card? 13:55

21 A. (In English:) No.

22 MR. THOMPSON: Jaime, when you were out of
23 the room, I asked Charles if he'd an opportunity
24 to go through our document requests and demands
25 for inspection, because I sent you that email 13:55

1 yesterday that said if you'd look through them
2 real quick, we could kind of speed things up.

3 Is there anything new to produce today
4 other than what you already gave us on the memory
5 stick? 13:56

6 MR. DORENBAUM: We made a production
7 earlier today.

8 MR. THOMPSON: Okay.

9 MR. DORENBAUM: Right? And that was in
10 response to these requests -- 13:56

11 MR. THOMPSON: Okay.

12 MR. DORENBAUM: -- the requests for --
13 this is the notice.

14 MR. THOMPSON: Okay.

15 Okay. So for the record, then, we 13:56
16 requested in Demand For Inspection 1 that you
17 bring any state or federal government agency
18 documents between 2016 and 2018, including tax
19 filings, patent applications, driver's licenses,
20 immigration forms, passports, and court filings, 13:56
21 and none of those are being produced today;
22 correct?

23 MR. DORENBAUM: That's actually not what
24 you requested. You can read precisely the
25 language of the inspection demand. It says (as 13:56

1 read):

2 "Original copies of your personally
3 signed documents filed with any state or
4 federal government agency between 2016 and
5 2018, including all tax filings, patent 13:57
6 application filings, driver's licenses,
7 immigration forms, passports, and court
8 filings."

9 MR. THOMPSON: Yeah, that's what it says.

10 MR. DORENBAUM: But that's not what you 13:57
11 said.

12 MR. THOMPSON: I tried to make it quicker.

13 MR. DORENBAUM: I know. I try to make it
14 precise.

15 MR. THOMPSON: Very good. 13:57
16 Did you bring any of it?

17 MR. DORENBAUM: I brought responsive
18 documents and produced them to you before the
19 deposition.

20 MR. THOMPSON: Okay. 13:57

21 MR. DORENBAUM: That we had not already
22 produced.

23 MR. THOMPSON: Well, the problem is, I
24 don't have those documents in front of me. I
25 don't have a physical set of those documents that 13:57

1 you brought, so I don't know what you brought
2 other than what's on the USB. So...

3 MR. DORENBAUM: It's not that many, so I'm
4 sure during a break, you can flip through them
5 really quickly. 13:58

6 MR. THOMPSON: Can somebody go out, take
7 the USB, get one of the reporters or somebody to
8 print whatever it is?

9 MR. DORENBAUM: I also emailed them so
10 it's easier -- well, I didn't email them, but 13:58
11 someone from my office should have emailed them.

12 MR. THOMPSON: Okay. All right. We'll
13 skip ahead a bit.

14 BY MR. THOMPSON:

15 Q. Mr. Yu, you've never been convicted of a 13:58
16 felony; is that correct?

17 A. (In English:) No.

18 Q. All right. Have you ever threatened
19 anyone with a lawsuit?

20 MR. JUNG: And I'm going to object. 13:58
21 Whether one has threatened a person with a lawsuit
22 in one's lifetime certainly exceeds the scope of
23 this narrow case. So on that basis, I object;
24 relevance and, also, privacy.

25 BY MR. THOMPSON: 13:59

1 Q. Go ahead. You can answer.

2 A. (In English:) My attorney already object.

3 Q. He didn't instruct you not to answer. You
4 can answer the question.

5 A. (In English:) This is not relevant to the 13:59
6 case. It's privacy.

7 Q. You can answer the question. Have you
8 ever threatened anyone with a lawsuit?

9 MR. JUNG: And do you mean ByteDance?
10 Because that does at least seem tangentially 13:59
11 relevant. Do you want that answer, or are you
12 asking just generally, in his whole life --

13 MR. THOMPSON: I'm asking generally, yeah.

14 MR. JUNG: As to anything?

15 MR. THOMPSON: Yeah. 13:59

16 MR. JUNG: And is that --

17 MR. THOMPSON: Does he go around
18 threatening people with lawsuits?

19 MR. JUNG: What -- I'm not sure the --
20 there is no relevance to that. So that former 13:59
21 question, I will allow you to ask. That does seem
22 at least plausible as to relevance.

23 But that latter question, whether he --
24 whether that's happened any time in his life,
25 certainly seems beyond the scope, invades his 14:00

1 right to privacy, and there is a balancing test to
2 be applied.

3 So I ask you for an offer of proof as to
4 the relevance of that question, if you're asking
5 the broader question beyond the scope of this 14:00
6 case.

7 MR. THOMPSON: Sure. So first of all, for
8 the record, relevance in a deposition is not a
9 proper objection, as you know. It's an objection
10 saved for the Court. You can preserve, certainly, 14:00
11 the record by making it, but it's also not
12 something you can make and instruct a witness not
13 to answer on, because we all know that we're here
14 to discover the case.

15 So if he does go around threatening people 14:00
16 randomly with lawsuits, it might be relevant to
17 his behavior in this case, for beginners.

18 MR. JUNG: How?

19 MR. THOMPSON: Charles, we don't do
20 speaking objections in federal depositions. We're 14:00
21 wasting time here. Why don't you let him answer
22 the question. It's a yes-or-no question.

23 MR. JUNG: "How" is not a speaking
24 objection, I'll say.

25 And I did make an objection based on right 14:01

1 to privacy, and when one makes an objection based
2 on right to privacy, you should be able to make an
3 offer of proof.

4 MR. THOMPSON: If that's it, if you think
5 that that's a privacy issue, which it's not, then 14:01
6 you can instruct him not to answer, and we can
7 take it up with the Court.

8 MR. JUNG: Okay. I'm asking for an offer
9 of proof.

10 MR. THOMPSON: I just made one. You 14:01
11 didn't like it.

12 MR. JUNG: I didn't like it because it had
13 no logical connection, no -- it didn't make any
14 fact in this case more or less likely, which is
15 the definition of relevance. 14:01

16 But, look, I'm not instructing him not to
17 answer. So if he's willing to answer that
18 irrelevant question, he can.

19 MR. THOMPSON: Okay.

20 BY MR. THOMPSON: 14:01

21 Q. Go ahead.

22 A. (In English:) You're trying to invade my
23 privacy. I don't feel comfortable answering that.

24 Q. Have you ever threatened anyone with a
25 lawsuit? 14:02

1 MR. JUNG: Same objections.

2 THE WITNESS: (In English:) I don't have
3 anything to add to my prior answer.

4 BY MR. THOMPSON:

5 Q. All right. And that's what you're going 14:02
6 to tell the jury; right?

7 A. (In English:) This question -- I don't
8 have anything else to add to my prior answer.

9 Q. Okay. And let me just ask you another
10 question. Do you think you'll need an interpreter 14:02
11 for the jury?

12 MR. JUNG: Calls for speculation.

13 THE WITNESS: (In English:) I don't want
14 to speculate.

15 BY MR. THOMPSON: 14:02

16 Q. You can't tell me, as you sit here today,
17 whether or not you think you'll need an
18 interpreter for trial?

19 It's about five months from now. What's
20 going to change? 14:03

21 MR. JUNG: Calls for speculation.

22 And I'll note, Mr. Thompson, there was no
23 ambiguity as to this. We -- we discussed and
24 agreed on exactly how this deposition would be
25 conducted. 14:03

1 MR. THOMPSON: Charles, please stop with
2 these speaking objections. I'm just trying to do
3 a little planning here. Is he going to need an
4 interpreter at trial? That's a "yes" or "no."

5 MR. JUNG: If you know -- 14:03

6 MR. THOMPSON: It's not a trick question.

7 MR. JUNG: Hold on.

8 If you know, you can answer that question.

9 THE INTERPRETER: (Interpreting.)

10 THE WITNESS: (In English:) Maybe I need 14:03
11 one.

12 MR. THOMPSON: Very good. We'll plan for
13 that.

14 BY MR. THOMPSON:

15 Q. Are you currently working in the United 14:04
16 States?

17 A. (In English:) That is my privacy.

18 MR. JUNG: You can answer as to whether
19 you're currently employed.

20 THE INTERPRETER: (Interpreting.) 14:04

21 THE WITNESS: (In English:) I think
22 that's my privacy, too.

23 BY MR. THOMPSON:

24 Q. You don't get to make the objections. You
25 need to answer my questions. If he instructs you 14:04

1 not to answer, that's one thing. Otherwise, you
2 need to answer my question.

3 Are you currently employed?

4 It is an element of your damages. You
5 need to answer my question. 14:05

6 MR. JUNG: It is not an element of his
7 damages.

8 I'm going to make a suggestion. Give me
9 two minutes. Let me -- I don't know why you're
10 smirking over there. But that's my suggestion. 14:05
11 You can take it or leave. I think I can maybe
12 figure this part of it out.

13 MR. THOMPSON: Okay.

14 MR. JUNG: But it's clearly --

15 MR. THOMPSON: No, that's fine. That's 14:05
16 fine. Go take a moment.

17 MR. JUNG: Okay. All right.

18 MR. THOMPSON: Off the record.

19 THE VIDEOGRAPHER: Time is 2:05 p.m., and
20 we are off the record. 14:05

21 (Recess taken.)

22 THE VIDEOGRAPHER: Time is 2:15 p.m., and
23 we are back on the record.

24 BY MR. THOMPSON:

25 Q. Okay. The pending question is, are you 14:15

1 currently employed?

2 A. (In English:) Yes.

3 Q. And where are you employed?

4 A. (In English:) It's called Fika, F-i-k-a.

5 Q. And is that a company in the U.S.? 14:16

6 A. (In English:) It's my company.

7 Q. So you are self-employed, then; correct.

8 A. (In English:) I don't think that's

9 accurate.

10 Q. Okay. All right. How long have you been 14:16
11 employed by Fika?

12 A. (In English:) From 2020.

13 Q. And did you have any employment from 2018
14 to 2020?

15 A. (In English:) I -- I have some 14:17
16 part-time -- part-time roles.

17 Q. And were those just doing some sort of
18 independent contracting/consulting work?

19 MR. JUNG: And I object to relevance on
20 this entire line. This is not the underlying 14:17
21 case.

22 BY MR. THOMPSON:

23 Q. Go ahead.

24 A. (In English:) Yes.

25 Q. And since 2020, have you had any other 14:17

1 employers besides Fika?

2 A. (In English:) No.

3 Q. Have you ever been involved in a binding
4 arbitration?

5 MR. JUNG: Vague. 14:18

6 THE INTERPRETER: (Interpreting.)

7 BY MR. THOMPSON:

8 Q. Did I get an answer? I'm sorry. Did you
9 answer?

10 A. (In English:) You need to clarify your 14:18
11 question. It's vague.

12 MR. JUNG: You can answer if you
13 understand.

14 THE WITNESS: (In English:) You need
15 to -- I hope you can clarify what you mean 14:18
16 by "binding arbitration."

17 BY MR. THOMPSON:

18 Q. Well, binding arbitration would be an
19 arbitration that you would go to or subject
20 yourself to where the decision would be binding on 14:18
21 both parties; it would be a final decision.

22 A. (In English:) It is too broad. I think
23 you need to limit scope of the arbitration. If
24 you buy a product nowadays, you're probably going
25 to be in an arbitration. 14:19

1 Q. Oh, that's not in my question. Did you
2 actually -- I'm not talking about you signing
3 other arbitration agreements.

4 I'm asking if you have actually been in an
5 active arbitration, where there was an arbitrator 14:19
6 and you're represented by someone and there was
7 another side.

8 Do you understand the question?

9 A. (In English:) So, first of all, you -- I
10 think if you can make it clear that way in the 14:20
11 first place, that's going to be helpful.

12 And second, no.

13 Q. Do you have an answer?

14 A. (In English:) The answer is no, but --

15 Q. Oh, okay. Got it. All right. 14:20

16 A. (In English:) But you should -- if you
17 could have made it clear the way you made in the
18 end, it's going to be helpful.

19 Q. All right. I'll do my best.

20 Just curious. 14:20

21 Okay. Do you use social media?

22 Specifically, are you on Twitter?

23 A. (In English:) No.

24 Q. Are you on Facebook?

25 A. (In English:) Yes. 14:21

1 Q. And have you posted anything about this
2 lawsuit on Facebook?

3 A. (In English:) No.

4 Q. Have you posted anything on Facebook about
5 ByteDance? 14:21

6 A. (In English:) No.

7 Q. And have you ever deleted a Facebook
8 account?

9 A. (In English:) So I only -- my personal
10 Facebook account, there's only one account. 14:22

11 When I worked at Facebook, we created a
12 bunch of testing account, and then we constantly
13 testing the account, delete the account, stuff
14 like that. But these are not my accounts. These
15 are for the purpose of testing. I just want to be 14:22
16 clear.

17 And my personal Facebook account is one
18 account, and I have never deleted.

19 Q. Thank you.

20 Have you ever deleted a Twitter account? 14:22

21 A. (In English:) No.

22 Q. "Yes"?

23 A. (In English:) No.

24 Q. Are you on Instagram?

25 A. (In English:) Yeah. 14:22

1 Q. And have you ever posted anything on
2 Instagram about ByteDance or this case?

3 A. (In English:) No.

4 Q. And have you ever deleted an Instagram
5 account? 14:23

6 A. (In English:) No.

7 Q. Do you use Snapchat?

8 A. (In English:) I think I tried Snapchat,
9 like, once or twice and see how it works, but I
10 never use it. 14:23

11 Q. Same questions: Have you ever posted
12 anything on Snapchat relating to the lawsuit or
13 ByteDance?

14 A. (In English:) No.

15 Q. Have you ever filed a Voluntary Petition 14:24
16 for Bankruptcy?

17 A. (In English:) Why is this relevant?

18 MR. THOMPSON: Can I have Exhibit
19 Number 2? And will you hand them out.

20 (Whereupon, Defendant's Exhibit 2 was 14:24
21 marked for identification.)

22 (Witness conferring with counsel.)

23 MR. THOMPSON: All right. For the
24 record --

25 MR. JUNG: Hold on a second. 14:25

1 MR. THOMPSON: Ready for a question?

2 MR. JUNG: Yes, he will answer the
3 question.

4 MR. THOMPSON: Okay.

5 BY MR. THOMPSON: 14:25

6 Q. Have you filed a Voluntary Petition for
7 Bankruptcy?

8 THE WITNESS: (In English:) Are you going
9 to translate?

10 THE INTERPRETER: (Interpreting.) 14:25

11 THE WITNESS: (In English:) No.

12 BY MR. THOMPSON:

13 Q. And we marked as Exhibit 2 this Form 101,
14 Voluntary Petition for Individuals Filing for
15 Bankruptcy, and it bears your name. Is this your 14:26
16 Voluntary Petition for Bankruptcy?

17 A. (In English:) No.

18 Q. It's not?

19 A. (In English:) No, it's not.

20 Q. Okay. On the document that I handed you 14:26
21 that's now Exhibit 2, on page 7 of 9, there
22 appears to be a signature of a Y. Roger Yu.

23 Is that your signature?

24 A. (In English:) It's not my signature.

25 Q. And on page 9 of 9, if you look, on 14:27

1 Exhibit 2, there's another signature of Y. Roger
2 Yu.

3 Is that your signature?

4 A. (In English:) No. No.

5 Q. Okay. And are the last four numbers of 14:27
6 your Social Security 5264?

7 A. (In English:) That is correct.

8 THE INTERPRETER: (Interpreting.)

9 THE WITNESS: (In English:) That is
10 correct. 14:27

11 BY MR. THOMPSON:

12 Q. All right. But you contend neither one of
13 these signatures on this document are yours?

14 A. (In English:) No.

15 Q. And why do you contend that they're not, 14:27
16 or do you contend that they're not?

17 THE WITNESS: (In English:) He asked, "do
18 you contend."

19 THE INTERPRETER: (Interpreting.)

20 THE WITNESS: (In English:) No. 14:28

21 BY MR. THOMPSON:

22 Q. I'm just trying to get at, Mr. Yu, if this
23 isn't your signature, why isn't it your signature?

24 A. (In English:) It's not my signature.

25 Q. Who would have affixed it to this form? 14:28

1 A. (In English:) I don't know.

2 Q. Okay. You did file for voluntary
3 bankruptcy on January 11, 2023; correct?

4 A. (In English:) I already answer your
5 question. No. 14:28

6 Q. Have you ever filed for bankruptcy?

7 A. (In English:) No.

8 Q. Did you fill out this form and not file
9 it?

10 A. (In English:) I don't understand your 14:29
11 question. What do you mean by "not file"?

12 Q. I'm holding an exhibit in my hand that
13 bears your name, your Social Security number, and
14 what appears to be your signature, and you're
15 saying you never filed it. 14:29

16 Did someone else file it for you?

17 A. (In English:) What is the question?

18 Q. Did someone else file this for you?

19 A. (In English:) I don't know.

20 Q. So, Mr. Yu, do you have any knowledge of a 14:30
21 bankruptcy proceeding taking place in U.S.
22 Bankruptcy Court, the Northern District of
23 California, in January 2023?

24 A. (In English:) No.

25 Q. In January 2023, did you reside at 115 14:31

1 College Avenue in Mountain Ville -- Mountain View,
2 California?

3 A. (In English:) No.

4 Q. Do you own a residence located at 115
5 College Avenue in Mountain View, California? 14:32

6 A. (In English:) What is the question?

7 Q. Do you own a residence located at 115
8 College Avenue, Mountain View?

9 A. (In English:) It is not relevant to this
10 case, to this narrow case for the formation of the 14:32
11 disputed documents.

12 Q. Well, again, sir, you don't get to make
13 the objections, and the Court is not going to be
14 very happy with you if you continue to obstruct
15 this deposition. 14:32

16 I've got a document that was filed in
17 federal court bearing your signature and your
18 Social Security number that you say never
19 happened, and I'm just trying to figure out what
20 it is and how it happened and if, in fact, it's 14:33
21 you.

22 Do you understand?

23 A. (In English:) You're the one --

24 MR. JUNG: Hold on. Hold on. Hold on one
25 second. Maybe this will help. 14:33

1 How about, you can answer the question as
2 to whether you filed any Voluntary Petition for
3 Bankruptcy relating to any real property. How's
4 that?

5 THE WITNESS: (In English:) No, I didn't. 14:34
6 BY MR. THOMPSON:

7 Q. Do you know if anyone did so on your
8 behalf?

9 A. (In English:) I don't know.

10 MR. THOMPSON: Okay. If I can have 14:35
11 Exhibit 3. I think we can do this a lot quicker
12 with the exhibit.

13 (Whereupon, Defendant's Exhibit 3 was
14 marked for identification.)

15 BY MR. THOMPSON: 14:35

16 Q. Mr. Yu, if you'll have a look at
17 Exhibit 3, it appears to be a resumé bearing your
18 name that predated your work at ByteDance. Can
19 you identify this for me as your resumé?

20 A. (In English:) What's the question? 14:36

21 Q. Is this yours?

22 A. (In English:) This is my resumé.

23 Q. Okay. And is this a resumé that you might
24 have given to ByteDance when you were going
25 through the courtship with them for your job? 14:36

1 MR. JUNG: Vague.

2 But you can answer if you understand.

3 THE WITNESS: (In English:) What do you
4 mean by "courtship"? From who to who?

5 BY MR. THOMPSON: 14:37

6 Q. All I'm asking is, is this something you
7 might have given to ByteDance?

8 A. (In English:) It may be.

9 Q. Okay. And take a minute and look at it.

10 As of, say, 2017, is everything in it true 14:37
11 and correct?

12 MR. JUNG: Overbroad.

13 THE INTERPRETER: (Interpreting.)

14 THE WITNESS: (In English:) You just give
15 me this document. I haven't got time to review it 14:37
16 thoroughly.

17 BY MR. THOMPSON:

18 Q. Take a moment.

19 Okay. I have a few questions on it for
20 you. 14:41

21 Under "Employment and Appointments," is
22 that an accurate review of your jobs after
23 finishing your master's at the University of
24 Illinois?

25 In other words, it looks like you started 14:41

1 working full time in 2011 for Tower Research and
2 then Facebook, you had Tank Exchange, and then
3 next in line would have been ByteDance. Is that
4 correct?

5 MR. JUNG: Compound. 14:41

6 THE WITNESS: (In English:) So I need
7 some clarification. So you mean -- is your
8 question that ByteDance is the employer after Tank
9 Exchange? That's your question?

10 BY MR. THOMPSON: 14:42

11 Q. No. I'm sorry. Let me break it down.

12 So from 2011 to 2011, apparently, you were
13 at Tower Research Capital; correct?

14 THE WITNESS: (To Interpreter:) Tower
15 Research Capital. 14:42

16 THE INTERPRETER: (Interpreting.)

17 THE WITNESS: (In English:) Yes.

18 BY MR. THOMPSON:

19 Q. All right. From 2011 to 2015, you were at
20 Facebook; right? 14:42

21 A. (In English:) Yes.

22 Q. And from 2015 to whenever this thing was
23 drafted, you were at Tank Exchange; correct?

24 A. (In English:) Yes.

25 Q. And the next job after that was ByteDance; 14:43

1 correct?

2 A. (In English:) Yes.

3 Q. Okay. And you graduated from the
4 University of Illinois at Urbana in 2010 with a
5 Master's of Science in Computer Science; correct? 14:43

6 THE WITNESS: (To Interpreter:) "Master."
7 Your translation is "Ph.D." "Master."

8 THE INTERPRETER: (Interpreting.)

9 THE WITNESS: (In English:) Yeah -- yes.

10 BY MR. THOMPSON: 14:43

11 Q. And your GPA was 3.96; right?

12 A. (In English:) Correct.

13 Q. And did you hold any other jobs between
14 2011 and 2015 that aren't included on this resumé?

15 A. (In English:) No. 14:44

16 Q. Did you have any other businesses?

17 A. (In English:) I have a consulting
18 business.

19 Q. And what was that called?

20 A. (In English:) It called Spruce Sea -- 14:44
21 Spruce Sea Group.

22 Q. Blue Sea?

23 A. (In English:) Spruce. Like the tree.
24 Spruce.

25 Q. Oh, Spruce Tree -- 14:44

1 A. Yeah.

2 Q. -- Group. Spruce Tree Group.

3 THE INTERPRETER: Consulting. He said
4 it's a consulting business.

5 BY MR. THOMPSON:

6 Q. Did you ever get your Ph.D. in computer
7 science?

8 A. (In English:) No.

9 Q. Okay. And when you were at Tower
10 Research, did you actually get to ring the opening 14:45
11 bell at the stock market?

12 A. (In English:) No. My colleagues went
13 there.

14 Q. And other than the Spruce Tree consulting
15 business, were there any other businesses that you 14:46
16 were working at or companies that you were a
17 member of from 2011 to 2017?

18 THE WITNESS: (To Interpreter:) I think
19 you meant "any other company working for," not
20 "business." But it's just a translation -- 14:46

21 THE INTERPRETER: Could you repeat your
22 question, please, Counsel?

23 BY MR. THOMPSON:

24 Q. Hang on a sec. Did you understand what I
25 asked? 14:46

1 A. (In English:) No. He was -- she was
2 saying --

3 MR. JUNG: Let's stick to --

4 THE WITNESS: (In English:) I don't --

5 MR. JUNG: Yeah, let's make sure you 14:46
6 understand the question.

7 Do you want it read back, or do you want
8 to restate it?

9 MR. THOMPSON: Go ahead and read it back.

10 THE WITNESS: (In English:) So I think 14:46
11 you should answer -- ask your question again.

12 MR. JUNG: Well, hold on. The court
13 reporter is just going to read it back. So let's
14 wait for that.

15 THE WITNESS: (In English:) Okay. 14:47

16 (Record read by the court reporter.)

17 THE INTERPRETER: (Interpreting.)

18 THE WITNESS: (In English:) No.

19 BY MR. THOMPSON:

20 Q. All right. Do you recall providing your 14:47
21 résumé to ByteDance?

22 A. (In English:) I believe so.

23 Q. Okay. Do you remember who you gave it to?

24 A. (In English:) I don't -- I don't recall
25 who, the person I give to. 14:48

1 Q. Do you remember how it was transmitted?

2 In person? Email?

3 A. (In English:) I don't recall.

4 Q. Do you know where it might have been
5 transmitted? Would it have been in China or in 14:48
6 the U.S.?

7 A. (In English:) In China.

8 Q. Okay. And other than the Spruce Tree
9 consulting business, any other employers that you
10 left off? 14:48

11 A. (In English:) No.

12 Q. And is it Spruce Sea, S-e-a, Group?

13 A. (In English:) Sea.

14 Q. Okay. So it is S-e-a, Sea, Spruce Sea
15 Group. 14:49

16 And then were you ever the CEO of a
17 company called Hope Tree Foundation?

18 A. (In English:) So I am a president, I
19 believe.

20 Q. Okay. And the registered agent for that 14:49
21 company was a gentleman named Ben Yu. Who is Ben
22 Yu?

23 A. (In English:) It's a family member.

24 Q. Brother?

25 A. (In English:) It's -- it's a privacy. 14:50

1 Q. But he was the registered agent; correct?

2 A. (In English:) I don't recall. It was
3 long time ago.

4 Q. Okay. And he's also listed as registered
5 agent for Spruce Sea. Do you remember that? 14:50

6 A. (In English:) I don't recall. It's long
7 time ago.

8 Q. Okay. Is your resumé that you took a
9 moment to review there otherwise full and
10 complete? 14:50

11 MR. JUNG: Overbroad. Vague.

12 THE INTERPRETER: (Interpreting.)

13 THE WITNESS: (In English:) What do you
14 mean by "complete"?

15 BY MR. THOMPSON: 14:51

16 Q. It's your resumé, sir. Is it a complete
17 resumé as of the time you had written it?

18 MR. JUNG: Vague as to "complete resumé."

19 THE WITNESS: (In English:) Again, I
20 don't know how you define "complete," but it 14:51
21 appears so.

22 BY MR. THOMPSON:

23 Q. Fair enough. You can set that aside.

24 I want to talk about your signature for a
25 few minutes. Since 2017, have you ever changed 14:51

1 your signature?

2 A. (In English:) No.

3 Q. Do you sometimes sign your signature in --
4 I just would say Chinese characters as opposed to
5 cursive letters? 14:52

6 A. (In English:) It could be, but it will be
7 looking extremely different. It's not...

8 Q. Right. But you've never consciously
9 altered your signature since 2017, have you?

10 A. (In English:) No. 14:52

11 Q. Do you ever use different signatures for
12 different documents?

13 A. (In English:) Not to my recollection.

14 Q. Do you use a different signature for
15 professional versus personal reasons? 14:53

16 A. (In English:) Clarify your question.

17 Q. Sure. If you're signing a document for
18 work, you might sign it one way. If you sign a
19 letter to your mom, you might sign it a different
20 way. 14:53

21 Do you do that, or is your signature
22 always the same, "Roger Yu"?

23 A. (In English:) If I sign a Chinese, then
24 it will be different.

25 Q. So it would be different between if you're 14:54

1 signing an American document versus a Chinese
2 document?

3 A. (In English:) No. What I am saying is if
4 it's in Chinese, it would look different. But
5 it's not like a U.S. document, a Chinese document. 14:54
6 It's not relating to the document.

7 Q. I think --

8 A. (In English:) Just --

9 Q. I think I understand. Okay.

10 Does your signature -- so you would have a 14:54
11 Chinese signature and a -- what would we call
12 it? -- a U.S. signature?

13 MR. THOMPSON: What would be the
14 comfortable way to term that, gentlemen? I'm open
15 to a suggestion. 14:55

16 THE WITNESS: (In English:) Whatever you
17 want to call it.

18 BY MR. THOMPSON:

19 Q. Okay. So you have two different
20 signatures you use; right? 14:55

21 A. (In English:) So I should say that I
22 haven't used my Chinese signature for maybe ten --
23 ten years.

24 Q. Okay.

25 A. (In English:) So when you are in China, 14:55

1 of course you are going to sign Chinese.

2 Q. So your signature would be essentially the
3 same if you're signing a professional document or
4 official document, a governmental document? You'd
5 use the same signature, not using the Chinese 14:56
6 signature; correct?

7 A. (In English:) Can you clarify your
8 question?

9 Q. You would use the same signature on
10 whatever you're signing; correct? 14:56

11 A. (In English:) So I had a Chinese
12 signature, and then I may have used it when I --
13 long time ago, but my --

14 Here's what I am going to say: For any
15 signature that I use for employment, it will be 14:57
16 the same.

17 Q. Okay. And that hasn't changed over the
18 last ten years? It's been the same?

19 A. (In English:) Correct.

20 Q. Do you have a way of verifying the 14:57
21 authenticity of your own signature on a document?

22 A. (In English:) Yeah.

23 Q. And how would you do that?

24 A. (In English:) I look at the signature. I
25 can immediately tell it's my signature, it's not 14:58

1 my signature.

2 Q. Okay. So on that bankruptcy petition that
3 I showed you, you believe that to not be your
4 signature; correct?

5 A. (In English:) No. 14:58

6 Q. Have you ever had a situation where a
7 document was rejected because of your signature?

8 A. (In English:) What are they talking
9 about?

10 Q. Do you understand the question? 14:59

11 A. (In English:) You guys are talking.

12 Q. It doesn't matter. Just answer the
13 question.

14 A. (In English:) You need to clarify the
15 question. Like, what do you mean by "rejected"? 14:59

16 Q. Have you ever, like, signed a check, and
17 it was rejected because somebody looked at it and
18 said, "I don't think that's his signature"?

19 That's what I mean by "rejected."

20 A. (In English:) No, never. 14:59

21 Q. Okay. There's a little confusing bit on
22 the record here.

23 I asked you if you believed that the
24 signature on the bankruptcy petition was yours,
25 and then I ended the sentence with "correct," and 15:00

1 | you said "no." So it created a double negative.

2 | Let me clean that up for the record and just ask

3 | you the question straight up.

4 Do you believe that the signature I showed

5 | you on the bankruptcy petition is yours? 15:00

6 | A. (In English:) I already answered that

7 | question. It's not my signature.

8 Q. Thank you. I just wanted to clear up the

9	record.
---	---------

10	Okay. Let's go off the record for a	15:01
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11	second.
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12 THE VIDEOGRAPHER: The time is 3:01 p.m.,

13 and we are off the record.

14	(Recess taken.)
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15 THE VIDEOGRAPHER: The time is 3:21 p.m., 15:21

16 and we are back on the record.

17 (Whereupon, Defendant's Exhibit 4 was

18 marked for identification.)

19 BY MR. THOMPSON:

20 Q. We are back on the record. 15:21

21 We have marked as Exhibit 4 BDI_002216,

22 which is a USCIS Form I-9 that has some redactions

23 on it.

24 Mr. Yu, do you recognize your signature

25	anywhere on this document?	15:21
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1 Q. No, not -- not here.

2 Why do you ask?

3 A. (In English:) It appears to me -- it
4 appear to me the signature part is different from
5 the rest of the document. 15:24

6 Q. Okay. Do you recall ever providing BDI
7 with an I-9?

8 A. (In English:) Yes.

9 Q. And why couldn't you recognize the
10 handwriting in the box in Section 1? 15:24

11 A. (In English:) I don't want to be --
12 make a -- I don't want to be -- I'm not a hundred
13 percent sure.

14 Q. So it could be yours?

15 A. (In English:) It's possible. But not the 15:25
16 signature part.

17 Q. Okay. On BDI_002217, there's handwriting
18 on this document, too. Is any of it yours?

19 A. (In English:) I cannot tell, like -- like
20 I told you. 15:25

21 Q. Okay. And do you remember ever providing
22 this document or any I-9 to Dave Wang at BDI?

23 A. (In English:) Yes.

24 Q. And I asked a compound question.

25 Did you provide Dave Wang with an I-9? 15:26

1 A. (In English:) I believe so, but not this
2 document. I gave Dave Wang an I-9, but that's not
3 this document.

4 Q. And could the document have been this
5 document that had more boxes completed, or was it 15:26
6 a completely different document from this one?

7 A. (In English:) That one, I don't recall
8 exactly. But certainly, this document is not
9 signed by me. This signature is not my signature.

10 Q. Are those numbers under the "Today's 15:26
11 Date," "8/30/2017" -- is that your handwriting?

12 A. (In English:) I cannot tell.

13 Q. And do you do your 7s with a cross hitch
14 across the middle like that?

15 A. (In English:) I -- I think so. 15:27

16 Q. Do you know if you provided Dave Wang with
17 an I-9 on or about August 30, 2017?

18 A. (In English:) No. The I-9 was not
19 completed in August. That one, I was sure.

20 Q. Do you know when you did give him an I-9? 15:27

21 A. (In English:) Your question is vague.
22 Gave to who?

23 Q. Dave Wang. When did you give Dave Wang an
24 I-9?

25 A. (In English:) I recall I gave Dave Wang 15:28

1 an I-9 in September 2017.

2 MR. THOMPSON: Let's mark as Exhibit
3 Number 5 BDI_002211, a W-4.

4 (Whereupon, Defendant's Exhibit 5 was
5 marked for identification.) 15:28

6 BY MR. THOMPSON:

7 Q. Please take a look at Exhibit 4 and tell
8 me if you recognize any of the writing on
9 BDI_002211 as yours.

10 A. (In English:) The quality of this 15:29
11 document is extremely bad. Do you have an
12 original one?

13 Q. This is all we've got for today. Can you
14 tell me if any of the writing is yours?

15 A. (In English:) The signature on this 15:29
16 document, BDI_002211, is not my signature. That
17 one, I'm a hundred percent sure.

18 Q. Okay. And is any of the writing on the
19 document yours?

20 A. (In English:) I cannot tell. 15:29

21 But look at this document. Why the other
22 part is so dim, and the signature is so different?
23 Just the signature part, you look at it. They're
24 so -- it's like the other part of it always so --
25 it's like -- almost like contaminated by some 15:30

1 water or something, the other part, name, address.

2 Just the signature -- just signature part is
3 totally different from the rest of the document.

4 MR. THOMPSON: Okay. Move to strike as
5 nonresponsive. 15:30

6 BY MR. THOMPSON:

7 Q. My question is very simple. I'm not
8 having the problems with this document that you
9 are.

10 Under Box 1, where it says, "Yintao Yu, PO 15:30
11 Box 363, Palo Alto, California 94302," does
12 that resemble your handwriting or not?

13 A. (In English:) This might be mine. I'm
14 not sure. It might not. It might be mine.

15 But the signature's, for sure, not mine. 15:31
16 And in addition, you see how the rest of the
17 document is so, so different from the signature
18 part.

19 The signature is like -- you see how -- so
20 it's like breaking pixels between the signatures. 15:31
21 Like the Y, the T, it's so high and so many break
22 points between the -- and then the rest of the
23 writing is so smooth. Right? It's continuous
24 here. And then the signature is breaking in
25 pieces. 15:31

1 MR. THOMPSON: Again, I'm going to move to
2 strike as nonresponsive.

3 THE WITNESS: (In English:) You know,
4 this is -- this is --

5 MR. THOMPSON: Please don't argue with me. 15:31

6 MR. JUNG: Yeah. Let's just answer the
7 questions.

8 BY MR. THOMPSON:

9 Q. Please just answer the questions, or we'll
10 be here until tomorrow. Okay? And they're not 15:31
11 trick questions.

12 So we have a clean record, in Box 1, you
13 think that the "Yintao Yu" might be your writing?

14 A. (In English:) Like I said, it might be
15 mine, might not. 15:32

16 Q. Okay.

17 A. (In English:) I -- I cannot tell.

18 Q. That's fine. Thank you.

19 A. (In English:) But --

20 Q. Did you ever provide BDI with an IRS Form 15:32
21 W-4?

22 A. (In English:) I believe so.

23 Q. And was that provided to Dave Wang or
24 someone else?

25 A. (In English:) I don't recall. It could 15:32

1 be Dave Wang.

2 Q. Would that have been in September or in
3 August?

4 A. (In English:) For sure, not -- for sure,
5 not August. 15:33

6 Q. Okay.

7 A. (In English:) But after August, I
8 don't -- I don't know when.

9 Q. Possibly in September?

10 A. (In English:) September, October, could 15:33
11 be.

12 MR. THOMPSON: All right. Can I have
13 Exhibit 6.

14 (Whereupon, Defendant's Exhibit 6 was
15 marked for identification.) 15:33

16 BY MR. THOMPSON:

17 Q. All right. We've marked as Exhibit 6
18 BDI_002214. It bears on the left-hand upper
19 corner "Personnel Information." And there's some
20 handwriting on this document. 15:34

21 My question is: Is any of this
22 handwriting that appears on 00214 yours?

23 A. (In English:) First of all, there is no
24 signature pages -- there is no signature on this
25 page; right? 15:34

1 Q. That wasn't my question.

2 A. (In English:) I just want you to confirm.

3 Q. I don't have any signature on this page.

4 I see what we're both seeing at the same time

5 here. 15:34

6 A. (In English:) Okay, yeah.

7 Q. My question is just: Is any of this
8 writing yours?

9 A. (In English:) This could be mine, could
10 be not mine. 15:35

11 Q. Maybe yes, maybe no?

12 A. (In English:) Maybe yes, maybe no.

13 Q. Okay. Is the information all correct?

14 A. (In English:) It appears so.

15 Q. Okay. And do you know if you provided 15:35
16 this information to Dave Wang?

17 A. (In English:) I don't recall who I
18 provide it to.

19 MR. THOMPSON: Okay. Fair enough.

20 Could I have Exhibit 7, please. 15:35

21 (Whereupon, Defendant's Exhibit 7 was
22 marked for identification.)

23 BY MR. THOMPSON:

24 Q. Okay. Exhibit 7 is a trust deed dated
25 7/9/2013. And have you ever seen this before? 15:36

1 A. (In English:) I'm looking at the
2 document.

3 It appears so.

4 Q. Second-to-the-last-page, there's a
5 signature of "Yintao Yu." 15:37

6 Is that your signature?

7 A. (In English:) It appears so.

8 Q. And this was executed on July 2, 2013, in
9 San Mateo; is that correct?

10 A. (In English:) It appears San Mateo 15:37
11 County --

12 Q. Okay. All right.

13 A. (In English:) -- not San Mateo.

14 MR. THOMPSON: Could I have Exhibit 8,
15 please. 15:37

16 MR. JUNG: And, Counsel, I haven't seen
17 some of these documents before, like this last
18 one. Has it been produced?

19 MR. GUZMAN: I can get you Bates.
20 Everything's been produced. We're using these -- 15:37
21 these are just the iterations that were attached
22 to the expert report.

23 (Whereupon, Defendant's Exhibit 8 was
24 marked for identification.)

25 BY MR. THOMPSON: 15:37

1 Q. Okay. Exhibit Number 8 is a
2 Fixed/Adjustable Rate Rider.

3 A. (In English:) I don't have one.

4 Q. Oh.

5 MR. DORENBAUM: Oh. We had two. 15:38

6 BY MR. THOMPSON:

7 Q. Go ahead and take a moment.

8 A. (In English:) I mean, how -- my attorney
9 supposed to get one copy.

10 MR. DORENBAUM: We have one. Don't worry. 15:38

11 MR. JUNG: We have one.

12 THE WITNESS: (In English:) I thought
13 they going to -- each -- each of them should have
14 one.

15 MR. JUNG: It's okay for now. Let's just 15:38
16 keep going.

17 THE WITNESS: (In English:) Okay.

18 BY MR. THOMPSON:

19 Q. All right. On the last page of this
20 document, there's a signature line. Is that your 15:38
21 signature?

22 A. (In English:) I'm looking at it.

23 It appears so.

24 Q. Okay.

25 MR. THOMPSON: Exhibit 9. 15:38

1 (Whereupon, Defendant's Exhibit 9 was
2 marked for identification.)

3 BY MR. THOMPSON:

4 Q. Exhibit 9 is a trust deed dated 8/21/15.
5 Have you ever seen it before? 15:39

6 A. (In English:) I'm looking at it.

7 Q. And just to help you out, my only question
8 is on page 13 of the document, if you want to turn
9 to that.

10 A. (In English:) Okay. I'm turned to 15:40
11 page 13.

12 Q. All right. Is that your signature that
13 appears on page 13?

14 A. (In English:) It appears so.

15 Q. Okay. Is there any reason to believe that 15:40
16 it isn't?

17 A. (In English:) It -- it's -- I don't know
18 if the true copy or not. So if it's not a true
19 copy, it could not be mine. But I'm just saying
20 it appears to be. 15:41

21 Q. Fair enough.

22 MR. THOMPSON: All right. Exhibit 10.

23 (Whereupon, Defendant's Exhibit 10 was
24 marked for identification.)

25 BY MR. THOMPSON: 15:41

1 Q. Okay. Exhibit 10 is a foreign corporation
2 designation dated 9/15/2015 for Tank Exchange,
3 Incorporated. Do you recognize this document?

4 A. (In English:) Yes.

5 Q. And is that your signature that appears at 15:41
6 the bottom of the page?

7 A. (In English:) This is my signature.

8 Q. Okay. Thank you.

9 MR. THOMPSON: Exhibit 11.

10 (Whereupon, Defendant's Exhibit 11 was 15:42
11 marked for identification.)

12 BY MR. THOMPSON:

13 Q. All right. Exhibit 11 is a records
14 request dated July 30, 2019, and my only question
15 is: Is that your signature that appears on the 15:42
16 lower left -- excuse me -- lower right side of the
17 page?

18 A. (In English:) This is my signature.

19 Q. Okay. Thank you.

20 MR. THOMPSON: 12. 15:43

21 (Whereupon, Defendant's Exhibit 12 was
22 marked for identification.)

23 BY MR. THOMPSON:

24 Q. All right. This is a doctor's note
25 dated -- we'll call it a doctor's note -- dated 15:43

1 7/18/2018.

2 Is that your signature on this document,
3 Exhibit 12?

4 A. (In English:) This document quality is
5 extremely terrible. Do you have an original 15:44
6 version?

7 Q. Not with us today.

8 Can you identify that as your -- well, let
9 me ask you this: Do you remember writing this
10 document on 7/18/2018 to BDI? 15:44

11 A. (In English:) I believe so.

12 Q. Okay. And do you have any reason to
13 believe that that's not your signature on this
14 document?

15 A. (In English:) First of all, the quality 15:44
16 is terrible. I really need to see at least a
17 better quality -- or original to determine whether
18 this is my signature or not. I cannot just
19 determine it. It -- it's such a low, terrible
20 quality. 15:45

21 Q. So you can't say, because of the terrible,
22 low quality of this document, that that is or is
23 not your signature?

24 A. (In English:) That's part of the reason.

25 And, also, why is -- there's so many 15:45

1 pixelating on the signature but no -- not so much
2 on the lines above, I have some doubts on this
3 signature.

4 Q. Do you think it's a forgery?

5 A. (In English:) I cannot -- I'm not sure 15:45
6 for this document.

7 Q. Why would anybody create a forgery on a
8 doctor's note for your return to work?

9 A. (In English:) I don't want to speculate,
10 but that is a question for ByteDance. 15:46

11 They forged my signatures on the ECIAA and
12 several other documents, including the --
13 including the option -- option agreement, side
14 letter to the patent assignment agreement, W-4,
15 I-9. That's on top of my mind. 15:46

16 So that's a good question for ByteDance,
17 why they forge the signatures.

18 And on top of that, I show those
19 signatures to a random people on the street. They
20 believe that those signatures are from the same 15:46
21 person who forged the signature.

22 MR. THOMPSON: All right. Move to strike
23 as nonresponsive.

24 BY MR. THOMPSON:

25 Q. You told me that you wrote a note to your 15:47

1 HR manager for your return to work from some
2 illness; correct?

3 A. (In English:) I don't get the question.

4 Q. Were you out sick prior to July 18, 2018?

5 A. (In English:) Yes, I -- I'm saying I 15:47
6 wrote a letter, but I'm not sure if this signature
7 is my signature on this document.

8 Q. Do you remember signing -- strike that.

9 Do you remember writing this note?

10 A. (In English:) I remember I wrote this, 15:47
11 but I'm not sure if this signature is my
12 signature.

13 Q. Do you remember signing this note?

14 A. (In English:) I remember I sign it, but
15 I'm not sure if this -- this signature is my 15:48
16 signature. That's all I can say.

17 Q. So you remember writing this very note,
18 but you don't remember signing it?

19 A. (In English:) No. What I said is, I sign
20 it, but I'm not sure if this signature is my 15:48
21 signature.

22 Q. Well, why wouldn't it be your signature?

23 MR. JUNG: Argumentative. Asked and
24 answered.

25 THE INTERPRETER: (Interpreting.) 15:48

1 THE WITNESS: I suspect this signature is
2 forged, but I don't have anything else on top of
3 what I already answered.

4 BY MR. THOMPSON:

5 Q. Well, all right -- 15:49

6 A. (In English:) I -- I --

7 Q. Hang on. Let me ask you some -- I'm going
8 to try to get to the bottom of this.

9 Did you see a doctor while you were out
10 sick? 15:49

11 MR. JUNG: What's the -- objection.
12 Relevance.

13 MR. THOMPSON: Well, he's saying that this
14 is a forged document, and so it puts into question
15 the whole issue, doesn't it? 15:49

16 THE INTERPRETER: (Interpreting.)

17 THE WITNESS: (In English:) No, I am --

18 MR. JUNG: Relevance and privacy.

19 THE WITNESS: (In English:) I did not --
20 I -- all I said is this one could be forged. I 15:49
21 did not say this one is a hundred percent forged,
22 but I said I questioned this signature. But I
23 acknowledge I did write the note.

24 BY MR. THOMPSON:

25 Q. Okay. Do you remember emailing this note 15:49

1 to Ronnie Hua?

2 A. (In English:) Possible.

3 Q. Okay. So if we have this as a PDF to an
4 email from you to Ronnie, would you agree, then,
5 it's probably not forged? 15:50

6 A. (In English:) Only if we can verify the
7 authen- -- I mean, it's a true, unaltered email.

8 Q. So if we could verify the email address,
9 that would take care of it; right?

10 A. (In English:) No. The email content 15:51
11 could be manipulated.

12 Q. Wait, wait, wait. Let's -- let's not
13 speculate here.

14 A. (In English:) I don't want to speculate.

15 Q. Let me ask you a question. Let me ask you 15:51
16 a question.

17 As of -- at the time that you would have
18 sent this email to Ronnie, your email was
19 roger@rogeryu.org? Is that the email you were
20 using? 15:51

21 A. (In English:) I believe so. But, again,
22 what I'm saying is not about the email address.
23 I'm saying the metadata -- the attachment could be
24 altered. We cannot verify the true copy of the
25 email -- I mean, the true copy of the attachment 15:52

1 to that email.

2 Q. Unless there's metadata; right?

3 A. (In English:) Unless it's generally,
4 indeed, in the attachment.

5 Q. Okay. But you claim you were actually out 15:52
6 sick during this time?

7 A. (In English:) Yeah.

8 Q. And everything in this email is true and
9 correct?

10 MR. JUNG: Vague as to "email." Overbroad 15:52
11 as to "true and correct."

12 BY MR. THOMPSON:

13 Q. Go ahead.

14 A. (In English:) This question is not about
15 formation of the document. This question is about 15:52
16 the underlying case. So...

17 MR. JUNG: Relevance.

18 THE WITNESS: (In English:) Not relevant.

19 BY MR. THOMPSON:

20 Q. Well, if you're saying it might be 15:52
21 forged...

22 Did you see an actual doctor when you were
23 out sick?

24 MR. JUNG: Relevance.

25 MR. THOMPSON: He's saying it's a forged 15:53

1 email.

2 THE WITNESS: (In English:) No.

3 MR. JUNG: That's not what he said.

4 THE WITNESS: (In English:) No.

5 MR. JUNG: And it's -- and this has 15:53

6 nothing to do with the under- -- this has to do

7 with the underlying case, not the case in front of

8 us.

9 THE WITNESS: (In English:) What I'm --

10 let me -- let me clarify. 15:53

11 This piece, everything except this email I

12 think, is likely genuine. I'm just saying this

13 piece, the signature, may not be mine. That's all

14 I claim. I don't have any question on the other

15 part. 15:53

16 MR. THOMPSON: Okay.

17 Let's go to 13.

18 (Whereupon, Defendant's Exhibit 13 was

19 marked for identification.)

20 BY MR. THOMPSON: 15:54

21 Q. Okay. Exhibit Number 13 is a Grant

22 date -- Deed dated July 28, 2017. Have you seen

23 this before?

24 A. (In English:) I believe so.

25 Q. Okay. Is that your signature under -- or 15:54

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1 above the signature block "Yintao Yu"?

2 A. (In English:) It appears so.

3 Q. Okay. Then on the second page, where
4 there's a notary acknowledgment, is any of that
5 handwriting on that page yours? 15:55

6 A. (In English:) The question?

7 Q. Any of the handwriting on the second page
8 yours?

9 A. (In English:) I don't think so.

10 Q. Okay. 15:55

11 MR. THOMPSON: What are we at? 15? 14.

12 (Whereupon, Defendant's Exhibit 14 was
13 marked for identification.)

14 BY MR. THOMPSON:

15 Q. Okay. 14 is a Grant Deed dated 7/31/2017. 15:56
16 Do you recognize this document?

17 A. (In English:) It appears so.

18 Q. Do you recognize your signature on the
19 first page?

20 A. (In English:) It appears so. 15:56

21 Q. Does it appear twice on the page?

22 A. (In English:) It appears so.

23 Q. Okay. And on the second page, is any of
24 that handwriting yours?

25 A. (In English:) I don't think so. 15:56

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1 Q. Okay.

2 MR. THOMPSON: 15, please.

3 (Whereupon, Defendant's Exhibit 15 was
4 marked for identification.)

5 BY MR. THOMPSON: 15:57

6 Q. Exhibit 15 is a Grant Deed dated 8/2/2017.
7 Do you recognize this document?

8 A. (In English:) It appears so.

9 Q. And is that your signature on the first
10 page of Exhibit 15? 15:57

11 A. (In English:) It appears so.

12 Q. Now, there is a person identified on the
13 front of this document granting -- excuse me.

14 It reads (as read):

15 "For a valuable consideration, 15:57
16 receipt of which is acknowledged, Yintao
17 Yu, a single man, hereby grants to Harry
18 Yu, trustee of The 37591 Third Street
19 Trust, dated July 28, 2017."

20 Who is Harry Yu? 15:58

21 THE INTERPRETER: (Interpreting.)

22 Counsel, where is it that you just read on
23 page 1?

24 MR. JUNG: Counsel?

25 BY MR. THOMPSON: 15:58

1 Q. Yeah, who is Harry?

2 THE INTERPRETER: Where did you just read?
3 Where -- because I have to translate it.

4 MR. THOMPSON: Oh, oh. Right here in the
5 middle. 15:58

6 THE INTERPRETER: Okay. (As read):

7 "For a valuable consideration" --

8 MR. THOMPSON: Yeah.

9 THE INTERPRETER: -- starting from there?

10 MR. THOMPSON: Yeah, yeah. 15:59

11 THE INTERPRETER: (Interpreting.)

12 THE WITNESS: (In English:) What's the
13 question?

14 BY MR. THOMPSON:

15 Q. Yeah, who is Harry Yu? 15:59

16 A. (In English:) It's a family member.

17 Q. Okay. Is it a brother? Father?

18 A. (In English:) Privacy.

19 Q. Does Harry live in California?

20 A. (In English:) Privacy. 16:00

21 MR. THOMPSON: Are you objecting, Counsel?

22 MR. JUNG: I haven't given you an
23 objection.

24 BY MR. THOMPSON:

25 Q. Okay. Sir, I'm entitled to know who the 16:00

1 identity of this person is unless your counsel
2 instructs you not to answer the question.

3 Who's Harry Yu?

4 MR. JUNG: Well, I do have an objection on
5 relevance and privacy. 16:00

6 THE INTERPRETER: (Interpreting.)

7 MR. THOMPSON: Well, I don't know who
8 Harry is or --

9 Don't translate. Let me just talk to
10 Charles for a moment. 16:00

11 -- or if Harry could have information
12 about this case. He could be his twin brother,
13 for all I know, and they could be chatting about
14 BDI and anything else. It's discovery. I mean,
15 why am I not entitled to know who he is? 16:01

16 MR. JUNG: Well --

17 THE WITNESS: (In English:) Speculation.

18 MR. JUNG: -- even in discovery, there has
19 to be some relationship to the claims and
20 defenses. That's what the relevance test is 16:01
21 about.

22 And if it helps you, I can find out
23 whether this is -- they were, as you say, twin
24 brothers who were chatting about BDI.

25 Or you could ask that question, you know: 16:01

1 "Did you speak with Harry Yu about BDI?"

2 MR. THOMPSON: Well, I'm not even sure
3 Harry is a real person. So can we start with
4 that?

5 THE INTERPRETER: (Interpreting.) 16:01

6 THE WITNESS: (In English:) Of course.

7 BY MR. THOMPSON:

8 Q. And where does Harry live? Is he in the
9 State of California?

10 A. (In English:) Privacy. Not relevant to 16:02
11 the case.

12 Q. Well, you don't get to decide that. The
13 Court decides that.

14 So you need to answer my question or bring
15 a motion. 16:02

16 MR. JUNG: Relevance and privacy.

17 MR. THOMPSON: Didn't you just lose that
18 motion this morning?

19 MR. JUNG: What motion is that, Counsel?

20 MR. THOMPSON: Well, you're obstructing 16:02
21 discovery again, Counsel. I don't understand why
22 I can't have -- this could be entirely innocuous.
23 Who's Harry?

24 MR. JUNG: I mean, why are you looking at
25 me? 16:02

1 MR THOMPSON: He might be a witness to the
2 case.

3 MR. JUNG: Hold on a second. Hold on a
4 second. So let me finish.

5 So I'm entitled to give objections, which 16:02
6 I stated. I did not instruct him --

7 MR. THOMPSON: Okay.

8 MR. JUNG: -- not to answer.

9 MR. THOMPSON: Fair enough. Fair enough.
10 I apologize. 16:03

11 BY MR. THOMPSON:

12 Q. Who's Harry?

13 MR. JUNG: Same objections.

14 THE WITNESS: (In English:) I don't have
15 any actual answer on top of the question I already 16:03
16 answered.

17 MR. THOMPSON: Okay. Just for the record,
18 we'll make a list of these obstructions and take
19 them to the judge and see what she has to say
20 about it. 16:03

21 THE INTERPRETER: (Interpreting.)

22 MR. THOMPSON: And we'll have the same
23 questions as to Ben Yu and Brian Yu.

24 THE INTERPRETER: (Interpreting.)

25 BY MR. THOMPSON: 16:03

1 Q. Were you married in 2017?

2 A. (In English:) No.

3 Q. Were you married in 2018?

4 A. (In English:) Yes.

5 Q. To whom? 16:03

6 A. (In English:) Privacy.

7 Q. What was your wife's name in 2018?

8 A. (In English:) You can't ask irrelevant
9 questions.

10 Q. What was your wife's name in 2018? 16:04

11 MR. JUNG: Relevance.

12 THE WITNESS: (In English:) It's
13 protected by California privacy law.

14 BY MR. THOMPSON:

15 Q. What was your wife's name in 2018? 16:04

16 A. (In English:) That's my privacy.

17 MR. JUNG: Relevance.

18 BY MR. THOMPSON:

19 Q. Well, for the record, if you're married --

20 A. (In English:) This is a case about the 16:04
21 narrow issue of the formation of document. You're
22 asking a bunch of...

23 Q. And she might have information about that
24 if she was your wife, if she was there --

25 A. (In English:) I never talked -- 16:04

1 Q. -- if she was living with you --

2 A. (In English:) I was never talking --

3 Q. -- during the time --

4 A. (In English:) -- about this case --

5 Q. Don't talk over me. Thank you. 16:04

6 If you were married to someone, there's
7 something called a spousal privilege that you may
8 invoke, that your lawyer may very well invoke, but
9 I'm entitled to know who your wife was in 2018.

10 MR. JUNG: Hold on one second. I'm going 16:05
11 to make a suggestion. Keep going to your next
12 question. I'll talk on the break relating to this
13 question.

14 But the other thing, please don't raise
15 your voice at my client. That's not necessary. 16:05

16 MR. THOMPSON: Please instruct your client
17 to answer my questions and not talk over me,
18 Counsel.

19 MR. JUNG: Okay. So why don't we take
20 that up on the break, and in the meantime, let's 16:05
21 continue.

22 MR. THOMPSON: Fair enough. I appreciate
23 it.

24 MR. GUZMAN: We should take a break.
25 Let's take a break. 16:05

1 MR. THOMPSON: Let's take a break.

2 MR. JUNG: No, we don't need to take a
3 break. Let's please continue.

4 MR. GUZMAN: I would like to take a break.

5 MR. THOMPSON: We'll go off the record. 16:05

6 THE INTERPRETER: (Interpreting.)

7 THE VIDEOGRAPHER: The time is 4:05 p.m.,
8 and we're off the record.

9 (Recess taken.)

10 THE VIDEOGRAPHER: Time is 4:15 p.m., and 16:15
11 we are back on the record.

12 BY MR. THOMPSON:

13 Q. All right. The question pending was, who
14 was your wife?

15 A. (In English:) Y-i-n-a-n H-u-a-n-g. 16:16

16 Q. And you are no longer married?

17 A. (In English:) No.

18 Q. And when were you divorced?

19 A. (In English:) 2018 or 2019.

20 MR. THOMPSON: Now, Counsel, I'm just 16:17
21 going to make a record on these other folks, and
22 we can deal with it later. Okay?

23 BY MR. THOMPSON:

24 Q. Who is Brian Yu?

25 A. (In English:) I -- I don't have any more 16:17

1 answer on top of my prior answer. It's a family
2 member.

3 Q. Okay. And what is your specific
4 relationship with Brian Yu other than being a
5 family member? 16:17

6 A. (In English:) I don't have any -- I think
7 you're asking the question again. It's a family
8 member. That's my answer.

9 Q. Okay. Did you speak to Brian Yu between
10 2015 and 2018? 16:18

11 A. (In English:) Yes.

12 Q. Where does Brian Yu live?

13 A. (In English:) Live in China.

14 Q. Do you know if Brian Yu has ever seen you
15 sign anything or is a co-signatory to any 16:18
16 document?

17 MR. JUNG: Compound.

18 THE WITNESS: (In English:) I don't
19 understand. What is the last piece of the
20 question? 16:18

21 BY MR. THOMPSON:

22 Q. Did Brian Yu ever co-sign a document with
23 you?

24 A. (In English:) Might be. I don't -- I
25 don't recall. I -- to my recollection, no. 16:19

1 Q. Who is Ben Yu?

2 A. (In English:) Also a family member. I
3 don't have any to add to my prior answer.

4 Q. All right. You will not identify him as a
5 father, brother, uncle, any other relation? 16:19

6 A. (In English:) No.

7 Q. Did you speak to Ben Yu from 2015 to 2018?

8 A. (In English:) Yes.

9 Q. Where does Ben Yu live?

10 A. (In English:) Ben Yu, he primarily live 16:20
11 in China.

12 Q. Do you have a contact for Ben Yu?

13 A. (In English:) Yes.

14 Q. And what is that contact information?

15 A. (In English:) We call on Skype. 16:20

16 Q. In 2023, was Ben Yu residing at 115
17 College Avenue in Mountain View?

18 A. (In English:) I don't -- I don't recall
19 when -- I don't recall when.

20 Q. He has resided at 115 College Avenue in 16:21
21 Mountain View?

22 A. (In English:) Probably.

23 Q. And was that his primary residence?

24 MR. JUNG: Relevance.

25 But you can answer if you know. 16:21

1 THE INTERPRETER: (Interpreting.)

2 THE WITNESS: (In English:) I don't know.

3 BY MR. THOMPSON:

4 Q. Who is Harry Yu?

5 A. (In English:) You asked this question 16:22
6 before. He's a family member.

7 Q. Okay. And will you identify him as a
8 brother, uncle, father?

9 MR. JUNG: Relevance.

10 THE WITNESS: (In English:) No. 16:22

11 BY MR. THOMPSON:

12 Q. Have you spoken to him between 2015 and
13 2018?

14 A. (In English:) Yeah, I talk to.

15 Q. What is their last known -- excuse me. 16:22
16 Where does Harry Yu live?

17 MR. JUNG: Relevance.

18 But you can answer if you know.

19 THE INTERPRETER: (Interpreting.)

20 THE WITNESS: (In English:) In China. 16:22

21 BY MR. THOMPSON:

22 Q. And do you have contact information on
23 Harry Yu?

24 A. (In English:) I contact Harry Yu by --
25 through Ben Yu. So I don't have direct contact to 16:23

1 Harry Yu.

2 Q. Have you co-signed any documents with
3 Harry?

4 A. (In English:) To my memory, no.

5 Q. Have you co-signed any documents with Ben? 16:23

6 A. (In English:) I don't recall.

7 Q. Were your parents alive from 2015 to 2018?

8 MR. JUNG: Relevance.

9 THE WITNESS: (In English:) Yes.

10 BY MR. THOMPSON: 16:24

11 Q. Have you ever discussed this case or any
12 of the factors of this case with your parents at
13 any time since, say, 2017?

14 A. (In English:) Which case you are
15 referring to? 16:24

16 Q. Your case against ByteDance.

17 MR. JUNG: Vague.

18 But -- but you can answer as to this
19 particular case, this DJ action.

20 THE WITNESS: (In English:) Not to 16:24
21 this --

22 THE INTERPRETER: (Interpreting.)

23 THE WITNESS: (In English:) Nothing about
24 this DJ action.

25 BY MR. THOMPSON: 16:25

1 Q. Have they ever co-signed any documents
2 with you?

3 A. (In English:) Probably in China.

4 Q. They live in China?

5 A. (In English:) They live in China. 16:25

6 MR. THOMPSON: All right. Let's go to 16.

7 (Whereupon, Defendant's Exhibit 16 was
8 marked for identification.)

9 BY MR. THOMPSON:

10 Q. Okay. Exhibit Number 16 is a trustee 16:26
11 change dated 11/12/2020. Do you recognize this
12 document?

13 A. (In English:) I -- it appears so.

14 Q. Is this your signature on the first page
15 of the document? 16:26

16 A. (In English:) It appears so.

17 Q. And on the second page, is any of that
18 writing yours?

19 A. (In English:) I don't think so. I don't
20 think so. 16:27

21 Q. And who is Yolanda Jin?

22 A. (In English:) A family member.

23 Q. You're not married to her, are you?

24 A. (In English:) No.

25 Q. What's your relation to Yolanda? 16:27

1 MR. JUNG: Can we just continue?

2 THE VIDEOGRAPHER: Okay. The time is
3 4:29 p.m., and we are back on the record.

4 BY MR. THOMPSON:

5 Q. All right. Do you recognize this Deed of 16:29
6 Trust?

7 A. (In English:) I'm looking at it.

8 It appears so.

9 Q. Okay. Is that your signature on the last
10 page? 16:30

11 A. (In English:) You said "last page"?

12 Q. Appears to be page 20. Top of the page.

13 A. (In English:) It appears so.

14 Q. Okay. And is any of the other writing on
15 this page in your handwriting? 16:31

16 A. (In English:) I don't think so.

17 Q. And are the initials YY on every page --
18 are those yours?

19 A. (In English:) I'm looking at them.

20 It appears so. 16:31

21 MR. THOMPSON: Let's go to Exhibit 18.

22 (Whereupon, Defendant's Exhibit 18 was
23 marked for identification.)

24 BY MR. THOMPSON:

25 Q. Exhibit 18 is a rate rider dated 1/6/2020. 16:32

1 And my question is: Just go to the last page and
2 tell me if that's your signature.

3 A. (In English:) It appears so.

4 Q. Very good.

5 MR. THOMPSON: Exhibit 19. 16:32

6 (Whereupon, Defendant's Exhibit 19 was
7 marked for identification.)

8 BY MR. THOMPSON:

9 Q. Exhibit Number 19 is an Inter Vivos Trust
10 dated 1/6/2020. If you look at the second page, 16:32
11 it appears that there are two signatures. Are
12 those yours?

13 A. (In English:) Second page?

14 It appears so -- they appear so.

15 Q. All right. 16:33

16 MR. THOMPSON: Let's go to Exhibit
17 Number 20.

18 (Whereupon, Defendant's Exhibit 20 was
19 marked for identification.)

20 BY MR. THOMPSON: 16:33

21 Q. Exhibit Number 20 is a trustee change
22 dated 1/9/2023. On the first page of that, is
23 that your signature?

24 A. (In English:) This is not my signature.

25 Q. The other signature that appears on this 16:34

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1 document is from Ben Yu. Is that your
2 signature -- excuse me. Strike that.

3 On the first page, there's a signature for
4 Ben Yu. Do you recognize that as Ben Yu's
5 signature? 16:34

6 A. (In English:) I don't know.

7 Q. Do you recall seeing this document, the
8 Affidavit of Change of Trustee?

9 A. (In English:) I don't recall.

10 Q. On the second page, there's some writing. 16:35
11 Do you identify any of that writing as yours?

12 A. (In English:) I don't think so, no.

13 Q. The signature on page 1 as "Y. Roger Yu,"
14 do you believe that's a forgery of your signature?

15 A. (In English:) I don't want to speculate. 16:35

16 Q. Do you have any idea as to who might have
17 affixed a signature above the line "Yintao Yu"?

18 A. (In English:) I don't want to speculate.

19 Q. Did you ever discuss Ben Yu -- with Ben Yu
20 executing an Affidavit for a Change of Trustee? 16:36

21 A. (In English:) No.

22 Q. And you've never seen this document
23 before?

24 A. (In English:) That was in Mohammed's
25 declaration that I seen. 16:36

1 (Via Interpreter:) That was in Mohammed's
2 declaration.

3 Q. Oh, you saw it because it was in the
4 expert's declaration? Is that what you said?

5 A. (In English:) I think so. 16:37

6 Q. All right. So if somebody signed "Y.
7 Roger Yu" on this document, dated 1/11/2023, that
8 was recorded in Santa Clara County, that person
9 was not you; correct?

10 A. (In English:) No. 16:37

11 Q. That is correct?

12 A. (In English:) That is correct.

13 MR. THOMPSON: Let's go to Number 21.

14 (Whereupon, Defendant's Exhibit 21 was
15 marked for identification.) 16:38

16 BY MR. THOMPSON:

17 Q. All right. Exhibit Number 21 is a
18 Verified Complaint dated 9/5/2023. If you turn to
19 the last page of that document, page 7, is that
20 your signature? 16:38

21 A. (In English:) This is my signature.

22 Q. Okay. And you did, in fact, read the
23 Complaint for Declaratory and Injunctive Relief
24 before you signed it?

25 A. (In English:) I did. 16:38

1 THE INTERPRETER: (Interpreting.)

2 THE WITNESS: (In English:) Of course, I
3 did.

4 BY MR. THOMPSON:

5 Q. And you have knowledge of the facts 16:38
6 alleged in this Complaint and believe them to be
7 true; correct?

8 A. (In English:) Correct.

9 Q. All right. How did you first learn about
10 the position at ByteDance? 16:39

11 A. (In English:) Can you elaborate? I
12 don't -- I don't get your question.

13 Q. Sure. I'm starting off at the very
14 beginning. Somehow you found out about a job at
15 ByteDance; correct? 16:39

16 A. (In English:) So it's not -- it's not
17 like they had a job posting, find it. That's not
18 the way, I think, what you think.

19 So it's a way that -- I think I had a
20 dinner with ByteDance -- not dinner. It's -- it's 16:40
21 a lunch. I had a lunch with ByteDance, Yiming
22 Zhang, in early 2017.

23 THE INTERPRETER: (Interpreting.)

24 THE WITNESS: (In English:) Y-i-m-i-n-g.
25 Z-h-a-n-g is his last name. 16:40

1 Again, it's Y-i-m-i-n-g. M, as in Mary.

2 BY MR. THOMPSON:

3 Q. And give me a little more context for
4 that. How did that happen?

5 A. (In English:) He told me he is visiting 16:41
6 California, and then he want to catch up. He want
7 to meet several people, and I was one of the
8 people he planned to meet during the trip to
9 California.

10 Q. How did you know him? 16:41

11 A. (In English:) I knew him -- that was a
12 few years earlier. He was -- he and his company
13 ByteDance, and together with some colleagues at
14 Facebook, we had a dinner with him when he visit
15 California. 16:42

16 Q. Was that when you were working at
17 Facebook?

18 A. (In English:) Yes.

19 Q. So he reached out to you in early 2017 and
20 asked you to lunch? 16:42

21 A. (In English:) He said he wanted to catch
22 up. He didn't -- I -- and then later, he proposed
23 the lunch, yeah. I think that's what he said.
24 Initially, he just saying it's -- was saying
25 "catch up." 16:42

1 Q. What did you talk about at lunch?

2 A. (In English:) He said the company was
3 growing well, they have saw new directions on
4 videos, and then they want a talent like me.

5 Q. Where did the lunch take place? 16:43

6 A. (In English:) The lunch took place in the
7 restaurant called Peking Duck House in Palo Alto.
8 Peking Duck House. Peking is P-e-k-i-n-g. It's
9 like Beijing, but it's a different spelling of
10 Beijing. Peking Duck House. They -- they -- the 16:43
11 restaurant is no longer called Peking Duck House
12 now, but it's on California Avenue in Palo Alto.

13 THE INTERPRETER: P-e-k-i-n-g?

14 THE WITNESS: (In English:) Yeah, yeah,
15 P-e-k-i-n-g. 16:44

16 BY MR. THOMPSON:

17 Q. Was there anyone else --

18 A. (In English:) No. Just me and him.

19 Q. Okay. How long did the lunch last?

20 A. (In English:) It was -- he was late to 16:44
21 the lunch. He was late for a long time, like --
22 maybe, like, an hour or close to an hour. He
23 was -- he explained that he is not familiar with
24 here and that he was calling Uber.

25 And so I think the lunch itself lasted 16:45

1 for, like, between two -- two, three hours. So
2 when we finished the lunch, it's pretty late.

3 Q. And what detail did he go into about the
4 company?

5 A. (In English:) He was saying they -- they 16:45
6 had some existing products, the -- the products
7 were going well.

8 But he's very excited about the new
9 developments. He was saying that the form --
10 camera is became more and more powerful, and that 16:46
11 it's getting to a tipping point that, like,
12 everybody can create a videos -- create a good
13 videos and that it's a huge opportunity to have --
14 a good opportunity to developing video products, I
15 would say, video -- video products. 16:46

16 And he also explain why the existing video
17 platform, like YouTube, is long form. What he
18 envisioned is different, it's a short form, and
19 then how -- how he saw a tremendous opportunity
20 for short-form video. 16:46

21 Q. What role was he soliciting you to do?

22 A. (In English:) He was saying the person in
23 charge of the globalization.

24 Q. I don't understand your response. I'm
25 sorry. So was he asking you to join BDI? 16:47

1 A. (In English:) Yes.

2 Q. And the role was the person in charge of
3 globalization? That's what he was asking you to
4 do?

5 A. (In English:) So he was saying they 16:48
6 already have a video product in China, but they
7 also have a separate product which is for the
8 audience out of China, and he want me to be in
9 charge of that product.

10 Q. Did he have a name for it? 16:48

11 A. (In English:) He didn't say the specific
12 name of the products during that lunch. He's just
13 saying, "We're going to have a -- a product --
14 several products for the global market, and then I
15 want you to be in charge of the globalization or 16:48
16 internal- -- internalization of the video -- the
17 short-form video."

18 Q. Did he talk to you about the Flipagram
19 product?

20 A. (In English:) First of all, I don't know 16:49
21 when -- I don't think they have it completed --
22 I -- I don't think so. I'm not sure if they
23 already acquire Flipagram when he had lunch with
24 me. Flip one was something mentioned later, I
25 think. 16:49

1 Q. So during your meeting, Flipagram didn't
2 come up?

3 A. (In English:) He was heavily talking
4 about Vine, the product which was developed by
5 Twitter, which is, like, a few-seconds videos. I 16:50
6 think at that time, the Vine was shut down, but he
7 was heavily talking about the Vine, and he wanted
8 to build something similar to Vine but slightly
9 longer.

10 Q. What's the Vine? 16:50

11 A. (In English:) Vine. V-I-N-E. Vine.

12 Q. Okay. So after your lunch, where did you
13 leave it? What was the next step?

14 A. (In English:) What do you mean by "next
15 step"? 16:51

16 Q. What was the conclusion at the end of your
17 lunch?

18 A. (In English:) We didn't have any
19 conclusion. It was just a lunch. He was
20 persuading me to join the company. 16:51

21 Q. Okay. And did he ask you to follow up
22 with anyone in HR or meet other people, come to
23 any meetings? What was the next step?

24 A. (In English:) Yes. He looped me with
25 someone. Her name is Jinmei Xiao, J-i-n-m-e-i 16:51

1 X-i-a-o. And then Wei Hua, which is W-e-i H-u-a.

2 I think he go by Ronnie, Wei "Ronnie" Hua. Wei,
3 W-e-i, H-u-a. Hua is H-u-a. And then his English
4 name is Ronnie, R-o-n-n-i-e.

5 MR. JUNG: And let me help out here a 16:52
6 little bit. Were you saying "looped," as in
7 "looped in," or "looked"?

8 THE WITNESS: I think he created, like,
9 a --

10 MR. JUNG: No, no. No, no. What you just 16:52
11 said. Did you say "looped"?

12 THE INTERPRETER: (Interpreting.)

13 THE WITNESS: Loop. Loop. Loop.

14 BY MR. THOMPSON:

15 Q. Were meetings then set with Jinmei and 16:53
16 Ronnie?

17 A. (In English:) No. Is your question right
18 after the lunch? Like, what kind of meeting
19 you're talking about?

20 Q. I'm just trying to get the story of the 16:53
21 beginning of your contact with the company. So I
22 understand you had lunch. And then you just told
23 me that he told you to follow up with Jinmei and
24 Ronnie.

25 Did you? What happened next? 16:53

1 A. (In English:) I won't call it's a
2 meeting. It's just phone calls. He asked me to
3 talk with Jinmei and Wei Hua.

4 Q. Did you do that?

5 A. (In English:) So I actually know Jinmei 16:54
6 before 2017, so -- so I already had a contact with
7 Jinmei before that. He just tell Jinmei to follow
8 up with me. And then I think Jinmei also added
9 Wei Hua.

10 So I had contact with -- I have contact 16:54
11 mastered with Jinmei even before meeting with
12 Yiming Zhang, that lunch. And then he basically
13 tell me he will tell Jinmei to follow up.

14 And then Jinmei did follow up. Jinmei,
15 like, message me and then call me. And then 16:54
16 Jinmei introduced Wei Hua to me.

17 Q. Did you talk to any other BDI employees
18 other than the three that you have just mentioned
19 prior to accepting a position with them?

20 A. (In English:) Yes. I -- when I was on a 16:55
21 trip in 2015 -- I think it's 2015, somewhere of
22 2015 -- anyway, I don't want -- it should be
23 somewhere 2015, but for sure, it should be 2015.

24 I was on a trip to China, and then Yiming
25 Zhang invited me to give a talk to their team. 16:56

1 So -- yeah, his team. He was in a -- he was in a
2 small office space and asked me to give then a
3 talk on -- on technology, on...

4 And there were 20-ish people attending
5 that meet-up, I would say. Yiming Zhang were 16:56
6 there. There were a bunch of early employees at
7 ByteDance. I don't know how many people they got
8 back then. For sure, not a huge team. But there
9 was 20 people there. So I met, like, 20 -- 20 of
10 them, including Yiming Zhang. 16:57

11 Q. Okay. So you gave the talk, and then what
12 happened after that?

13 A. (In English:) Nothing happened. I mean,
14 nothing happened with ByteDance.

15 Q. Did you go through some interview process, 16:57
16 where you had to come in and interview with
17 people?

18 A. (In English:) You mean after the talk?

19 Q. Uh-huh.

20 A. (In English:) No. I -- no interview. I 16:57
21 just give them the talk as a -- as a courtesy.

22 Q. All right. So at some point here, you got
23 into some negotiations for a job; correct?

24 A. (In English:) Yes.

25 Q. And approximately when did that occur? 16:58

1 A. (In English:) April, maybe -- maybe
2 starting March, but, like, for sure, April, I
3 think.

4 Q. April of 20- --

5 A. (In English:) '17. 16:58

6 Q. '17.

7 And who was involved in the negotiations
8 for the job? You and who on the other side?

9 A. (In English:) Ronnie Hua, Wei Hua,
10 Ronnie, and Jinmei Xiao. 16:59

11 Q. What was the negotiation for you to do?
12 What did the job -- what was it forming up as at
13 the very beginning? Do you understand my
14 question?

15 A. (In English:) I don't -- I don't get your 16:59
16 question. Can you clarify? Like...

17 Q. Yeah. What did you think you were
18 interviewing for? What position?

19 A. (In English:) So there was a phone call
20 with -- there's several follow-up calls with 17:00
21 Yiming Zhang.

22 And one of the phone calls, Yiming
23 Zhang -- which is a recording I produced -- is --
24 he was saying, on the short -- short-form video
25 side, they had three people -- they have existing 17:00

1 three leaders.

2 Each leader, their name is Nan Zhang.

3 N-a-n Z-h-a-n-g. It's her, Nan Zhang. The second
4 person is Wenjie Zhu, W-e-n-j-i-e Z-h-u. And the
5 third person is Han Li (sic), H-a-n L-i. 17:00

6 He wanted me to join as the fourth person
7 and in charge of globalization, internalization.

8 So that's their -- it's called their IES
9 department. So there are three leaders in the IES
10 department, and they -- he want me to join as the 17:01
11 fourth leader in the IES department. That's what
12 he told me.

13 Q. Ronnie told you?

14 A. (In English:) Yiming Zhang.

15 Yiming Zhang. 17:01

16 Q. Okay. Now, you just told us you recorded
17 that conversation; correct?

18 A. (In English:) Yes.

19 Q. And did Jinmei know that you were
20 recording that call? 17:02

21 Yiming. I'm sorry. Yiming.

22 A. (In English:) I'm not sure.

23 Q. And why did you record the call?

24 A. (In English:) Two reasons.

25 One, for my own recollection. 17:02

1 Second, I want to taking some notes, like,
2 just -- I -- because he was talking about a ton of
3 things. I think it's going to be helpful for me
4 to better understand the role.

5 Q. Did you announce to anyone on the call 17:02
6 that you were recording it?

7 THE INTERPRETER: I'm sorry, Counsel.

8 BY MR. THOMPSON:

9 Q. Did you announce to anyone on the call
10 that you were recording it? 17:02

11 A. (In English:) I do not recall.

12 Q. Did you record any other calls with
13 ByteDance employees during the time that you were
14 there or after?

15 A. (In English:) I -- I believe so. 17:03

16 Q. And do you have copies of all those
17 recorded calls?

18 A. (In English:) The -- the only one that I
19 still have is the Yiming Zhang.

20 Q. What happened to the other ones? 17:03

21 A. (In English:) I couldn't find them.

22 Q. What were you recording on? Cell phone or
23 computer? Zoom?

24 A. (In English:) Cell phone.

25 Q. Do you still have that same cell phone? 17:04

1 A. (In English:) No.

2 Q. What happened to it?

3 A. (In English:) It's a pretty old phone. I
4 discard it.

5 Q. What kind of phone was it? 17:04

6 A. (In English:) I don't recall exactly the
7 model of the phone.

8 Q. Was it an iPhone or something else?

9 A. (In English:) I don't want to speculate.

10 Q. Okay. And the phone got old. You got rid 17:05
11 of it. You traded it in? What happened?

12 A. (In English:) I think I sold it.

13 Q. What year did you sell it?

14 A. (In English:) 2017.

15 Q. When in 2017? 17:05

16 A. (In English:) I think it was in either
17 July or August, because the -- the ByteDance told
18 me to fly to -- fly to Beijing, and then I sold
19 the phone. I don't want to -- I don't want to use
20 the phone, so I sold it before I go to Beijing, 17:06
21 before I went to Beijing.

22 Q. You got a new phone then?

23 A. (In English:) I won't say it's new.

24 It's -- I had another phone. And when I was
25 negotiation with them, in early 2017, I was using 17:06

1 the phone, the old phone, which you're asking
2 about. And then later on, I -- I started using a
3 different phone. So there was a period of
4 overlap. Like, I -- I was using two phones.

5 Q. Did you record calls on the second phone? 17:06

6 A. (In English:) No, I didn't.

7 Q. Have you ever recorded calls with any
8 other phone other than the phone that you got rid
9 of?

10 A. (In English:) Not to my recollection. 17:07

11 Q. Did you ever record any BDI employees on
12 any other device?

13 A. (In English:) No, I don't think so.

14 Q. Approximately how many recordings did you
15 have of BDI employees? 17:07

16 A. (In English:) Maybe -- first of all, I
17 don't want to speculate.

18 Second of all, it's more than two, but
19 not -- not a large number. Like, below ten. I
20 will say probably below five. I don't recall 17:08
21 exactly.

22 And, also, I want to clarify that the
23 reason -- those recordings about the offer
24 negotiations, and they were going back and forth.
25 So they were, like, they honor something earlier, 17:08

1 and then they would change their mind back and
2 forth. So it was really annoying, so I started
3 recording the offer negotiations.

4 Q. Okay. And you didn't store those
5 recordings on any kind of a thumb drive or a 17:08
6 memory stick or anything like that?

7 A. (In English:) No.

8 Q. And why didn't you try to preserve those
9 recordings?

10 A. (In English:) Because -- can 17:09
11 you repeat -- can you repeat your question?

12 Q. Sure.

13 Why didn't you try to preserve those
14 recordings?

15 THE WITNESS: (In English to Interpreter:) 17:09
16 He said "did" or "didn't"?

17 THE INTERPRETER: Counsel, you did say
18 "didn't," but then the second time, you said, "Why
19 did you want to" --

20 MR. THOMPSON: No, I didn't. But that's 17:09
21 okay.

22 THE INTERPRETER: Well, that's what I
23 heard.

24 MR. THOMPSON: Okay.

25 THE INTERPRETER: Sorry. 17:09

1 MR. THOMPSON: That's fine.

2 BY MR. THOMPSON:

3 Q. Why did you not try to preserve the
4 recordings?

5 A. (In English:) I saved a few. I saved a 17:10
6 few. I didn't say I didn't save. I saved a few.

7 Q. And did you produce those to your lawyers?

8 A. (In English:) The only one that I -- I
9 still have is the Yiming Zhang's.

10 Q. Well, what happened to the other ones? 17:10
11 You said you saved a few.

12 A. (In English:) Yeah, I saved a few, but
13 I -- I couldn't find the rest. The only one that
14 I still have is Yiming Zhang's recording.

15 Q. When did you look for the rest of them? 17:11

16 A. (In English:) When you -- when you served
17 me the production, I went to search for those, and
18 then the only one that I had was Yiming Zhang's.

19 Q. Where were you storing the other versions
20 of the recording -- or strike that. 17:11

21 Where were you storing the recordings?

22 A. (In English:) I store in a portable hard
23 drive.

24 Q. What happened to the portable hard drive?

25 A. (In English:) I -- I couldn't locate the 17:11

1 hard -- the portable hard drive.

2 Q. Did you have -- strike that.

3 Where is the last place that you stored
4 the portable hard drive that you can recall?

5 A. (In English:) I recall I saw that 17:12
6 portable hard drive when I did the -- I think it's
7 probably after pandemic or before the pandemic.

8 Q. So that would have been 2019, 2020,
9 something like that?

10 A. (In English:) Yeah, it's about -- about 17:13
11 the pandemic started. So it's, like, '19 or '20.

12 Q. And where did you have it then? Was it
13 somewhere in one of your houses in California or
14 in China? Where was it?

15 A. (In English:) In -- in -- in U.S. 17:13

16 Q. Where was it in the U.S.? What was its
17 physical location?

18 A. (In English:) I didn't recall.

19 Q. U.S. is a big place. Can you give me
20 somewhere a little bit more specific? 17:13

21 A. (In English:) I -- I didn't -- I didn't
22 recall. It's in California, for sure, but I
23 didn't recall where it is.

24 Q. Still a very big state. Would it have
25 been in one of your homes or one of your rentals? 17:14

1 A. (In English:) I -- I didn't recall. It
2 was long time ago.

3 Q. By 2019, you knew you had a claim against
4 BDI; right?

5 A. (In English:) I won't say that. That -- 17:14
6 that is not accurate. I -- I anticipate I -- I
7 anticipate there's going to be some dispute, but I
8 did not anticipate I going to sue by ByteDance at
9 that time because I anticipate that they going
10 to... 17:15

11 So here's -- here's what I think. Hold
12 on.

13 I file a complaint to the Fair Housing
14 Equal -- FD -- DFHE, the Fair Housing --

15 Q. DFEH? 17:15

16 A. (In English:) Yeah, DFEH.

17 At that time, I had a counsel. And that
18 counsel -- yeah, I cannot disclose the privileged
19 information.

20 But all I can say is I did not anticipate 17:15
21 a lawsuit.

22 Put it this way: I was told such dispute
23 could be resolved via mediation.

24 Q. So you had the hard drive, the portable
25 hard drive, you think, around 2019? I think you 17:16

1 still knew where it was. Right?

2 A. (In English:) What's that?

3 THE INTERPRETER: (Interpreting.)

4 THE WITNESS: (In English:) No, I -- I
5 don't recall. I just recall I seen it. I don't 17:16
6 recall where it is. I recall I seen it. I don't
7 remember where it was.

8 MR. THOMPSON: Okay. All right. Let's
9 move on.

10 Why don't you give me Exhibit Number 22. 17:16
11 (Whereupon, Defendant's Exhibit 22 was
12 marked for identification.)

13 BY MR. THOMPSON:

14 Q. All right. Have you seen this document
15 before? 17:17

16 A. (In English:) It appears so.

17 Q. Okay. And can you tell me what it is?

18 A. (In English:) I'm looking at it.

19 It's a -- it's more than one document.

20 Q. So my first question is: Were you using 17:19
21 the email roger@tank -- t-a-n-k -- x.com to
22 communicate with BDI in June of 2017?

23 A. (In English:) Yes, I believe so.

24 Q. And you still had access to that email at
25 that point in time; correct? 17:19

1 A. (In English:) At that time, yes.

2 Q. Okay. Did anybody else have access to
3 that email?

4 A. (In English:) I don't think so.

5 Q. And do you recall sending and receiving 17:20
6 this email?

7 A. (In English:) Yes, I did.

8 Q. And do you recall sending and receiving
9 the documents to the email?

10 A. (In English:) Yes, I did. 17:20

11 MR. THOMPSON: All right. Let's move on
12 to Exhibit Number 23.

13 (Whereupon, Defendant's Exhibit 23 was
14 marked for identification.)

15 BY MR. THOMPSON: 17:21

16 Q. Take a moment. Just tell me if you have
17 seen this document before.

18 A. (In English:) It appears so.

19 Q. Okay. And this email is from you to
20 Jinmei dated June 8, 2017, is that right? 17:22

21 A. (In English:) Yes. What's the time zone
22 on -- on the -- on the time there?

23 Q. The time seems to be 6:28.

24 MR. JUNG: No, the time zone is what he's
25 asking. 17:22

1 THE WITNESS: (In English:) I mean time
2 zone.

3 MR. THOMPSON: Oh. No idea. I'm sorry.

4 MR. GUZMAN: I can make a representation
5 on time zone. It will bounce back and forth, 17:23
6 depending where the people are at. But to the
7 extent -- it can jump -- the time zones can jump
8 back and forth and will jump according to who is
9 sending the email.

10 So at least for the chains below the 17:23
11 first, it will say "GMT" below it. That is the
12 time zone for that.

13 THE WITNESS: (In English:) So what's the
14 time zone for this email?

15 MR. GUZMAN: I don't think it's reflected 17:23
16 on your -- on the header.

17 BY MR. THOMPSON:

18 Q. So this email -- the purpose of this was
19 to send these documents that you had signed and
20 have them countersigned; is that correct? 17:23

21 A. (In English:) Can you -- can you repeat
22 your question?

23 Q. Sure.

24 A. (In English:) I don't understand your
25 question. 17:23

1 Q. Let me ask it open-ended.

2 What was your understanding of the purpose
3 of this email?

4 A. (In English:) The purpose was sending the
5 signed documents to them. 17:24

6 Q. Okay. So on page BDI_000966, that is your
7 true and correct signature, yes?

8 A. (In English:) It appears so.

9 Q. Okay. And, likewise, on BDI_000969, that
10 is your true and correct signature? 17:24

11 A. (In English:) It appears so.

12 Q. And on BDI_000973, is that your true and
13 correct signature?

14 A. (In English:) It appears so.

15 Q. On BDI_000969, turn to that, please. 17:25
16 What was Cyprus Foundation Limited?

17 A. (In English:) Which page?

18 Q. 968.

19 A. (In English:) You were telling me 969.

20 Q. I'm sorry. 17:26

21 A. (In English:) What's your question again?

22 Q. What was Cyprus Fountain Limited?

23 A. (In English:) It's a BDI entity.

24 Q. Was it your company?

25 A. (In English:) It's a -- I think I -- I 17:26

1 want to be accurate. It's a company under my
2 control. It's a -- it's a -- it's a vehicle under
3 my control.

4 MR. THOMPSON: Okay.

5 (Whereupon, Defendant's Exhibit 24 was 17:26
6 marked for identification.)

7 THE REPORTER: 24.

8 MR. THOMPSON: Thank you.

9 BY MR. THOMPSON:

10 Q. Exhibit Number 24 is an email authored by 17:27
11 you, from roger@tankx.com dated 6/8/2017, time-
12 stamped 6:38:53 a.m.

13 Do you recognize this document?

14 A. (In English:) It appears so.

15 Q. Okay. Do you recall sending and receiving 17:29
16 this email at the time?

17 A. (In English:) Yeah, I -- I think so.

18 Q. Okay. And do you recall sending and
19 receiving the attachments at the same times?

20 A. (In English:) Yeah, I think so. 17:29

21 Q. All right, sir. On page 958, that is your
22 signature dated 6/7/2017; correct?

23 A. (In English:) I want to double-check what
24 is the difference between these two.

25 Yeah, it -- it appears so. 17:31

1 Q. All right. So the text of the email from
2 you to Jinmei is that (as read):

3 "I'm sorry I missed one zero for the
4 number of shares in the option transfer
5 consent just sent. I've corrected it. 17:31
6 The offer letter and the POA remain
7 unchanged. There is no problem. I sent
8 all three documents again in the
9 attachment."

10 Correct? 17:32

11 A. (In English:) It -- it appears so.

12 Q. Okay. So did you just make the change in
13 the document and re-send it without changing the
14 date of your signature?

15 A. (In English:) So the -- the only 17:33
16 problem -- the mistake in these document is on
17 this BDI_00956, which is -- appears to be a
18 duplicate for BDI_00967 (sic). That one is for
19 Yiming Zhang's signature, so I don't need to
20 correct anything, because the only mistake is -- 17:33
21 is for a page which is for signature for Yiming
22 Zhang.

23 The next page is correct. So there's
24 nothing wrong with it.

25 And then my signature page is the next 17:33

1 one.

2 So Exhibit A is correct, 220,000. It's
3 just the -- the Consent to Option Transfer, which
4 required a signature from Yiming Zhang, that one
5 was missing one zero and -- and nothing for me to 17:33
6 correct.

7 You see what I am saying?

8 Q. I think I've got it. Hang on just a sec.

9 So what you're correcting is, on 957, it
10 was 22,000, but it supposed to be 220,000? 17:34

11 A. (In English:) 956 was the mistake.

12 Q. So 956 should have been 220,000 or 22,000?

13 A. (In English:) 220,000.

14 Q. On 956?

15 A. (In English:) 956 is missing one zero. 17:34

16 Q. Got it. I think I got it.

17 A. (In English:) And 957 is correct.

18 And if you see, the 960 is also correct.

19 960 is -- and then the number at the bottom, at
20 Section 7 -- 17:35

21 Q. Got it, yeah, is 220.

22 A. (In English:) Uh-huh.

23 Q. And so you didn't change your signature.
24 There was no need to?

25 A. (In English:) There's no need to -- 17:35

1 THE INTERPRETER: (Interpreting.)
2 THE WITNESS: (In English:) No.
3 MR. THOMPSON: Okay. Let's move on. 25.
4 (Whereupon, Defendant's Exhibit 25 was
5 marked for identification.) 17:35
6 BY MR. THOMPSON:
7 Q. Exhibit Number 25 is BDI_000935 dated
8 6/9/2017 at the top. Do you recognize this
9 document?
10 A. (In English:) I'm looking at it. 17:36
11 It appears so.
12 Q. Okay. And at 000943, is that your
13 signature on the document?
14 A. (In English:) It appears so.
15 Q. And that was signed on 6/7/2017; correct? 17:38
16 A. (In English:) It appears so.
17 Q. And your understanding was that this was
18 the final version of the offer letter?
19 A. (In English:) At that time, I believe,
20 although they -- they threw out some new documents 17:38
21 later. At that time, it's -- my understanding was
22 this is the final offer letter.
23 Q. Okay. And on page 942, towards the bottom
24 of that page, second-from-the-bottom paragraph,
25 you read the statement (as read): 17:39

1 "In addition, by accepting this
2 offer, you agree that you will follow all
3 of the company's policies that apply to
4 full-time employees."

5 Did you understand that at the time you 17:39
6 signed the document?

7 MR. JUNG: Objection. Vague as to "all
8 the company's policies."

9 THE WITNESS: (In English:) I see here,
10 but there are two things. 17:40

11 One, my understanding is only after you
12 join the company as a full-time. I haven't joined
13 the company by then.

14 Second of all, they -- they actually never
15 provided any company policy. 17:40

16 BY MR. THOMPSON:

17 Q. My question was much simpler. Did you
18 understand this sentence at the time you signed
19 the document?

20 A. (In English:) I think it's still too 17:40
21 vague. I don't -- I don't want to say -- commit
22 to say, like, I fully understand. It just --
23 because they never provided company policy.

24 Q. You're over-thinking my question.

25 Is there any word in this sentence that 17:41

1 you don't understand? I'm just asking if you
2 understand the words in the sentence when you read
3 it and signed it.

4 A. (In English:) I understand the words.

5 Q. Okay. That was it. Thank you. 17:41

6 All right. Let's go to Exhibit Number 26.

7 (Whereupon, Defendant's Exhibit 26 was
8 marked for identification.)

9 BY MR. THOMPSON:

10 Q. All right. Have you seen this document 17:42
11 before?

12 A. (In English:) I'm looking at it.

13 Yeah.

14 Q. And, again, you were still using
15 roger@tankx.com as your email; correct? 17:42

16 A. (In English:) Correct.

17 Q. All right. And this was from somebody
18 with the email of c-u-i-y-a-n-l-i@bytedance.com;
19 correct?

20 A. (In English:) It appears so. 17:43

21 Q. Okay. And you recall sending and
22 receiving these emails at the time?

23 A. (In English:) I receive this email. I
24 didn't reply back to this email.

25 Q. Okay. And do you recall receiving the 17:43

1 attachment of the Hiring Bonus Repayment Agreement
2 at the time?

3 A. (In English:) I don't -- I don't quite
4 understand. Sorry.

5 I don't quite understand. 17:44

6 Can you repeat your question?

7 Q. Yeah. I was just asking, did you get this
8 attachment with the email?

9 A. (In English:) Yeah, I -- I believe I did
10 receive this attachment -- 17:44

11 Q. Okay.

12 A. (In English:) -- back then.

13 Q. And did you discuss this draft attachment
14 entitled Hiring Bonus Repayment Agreement with
15 anyone at BDI? 17:44

16 A. (In English:) Yes, I -- I believe I did.

17 Q. And who did you discuss it with?

18 A. (In English:) I talked to Wei Hua -- Wei
19 "Ronnie" Hua and Jinmei Xiao.

20 MR. THOMPSON: Let's go to Exhibit 27. 17:45

21 We'll take a break at 6:00.

22 BY MR. THOMPSON:

23 Q. What did you discuss in relation to the
24 agreement with Ronnie and Yiming -- Yiming?

25 A. (In English:) I want to clarify. You 17:46

1 mean this document, in this --

2 Q. Yes.

3 A. (In English:) This -- this one?

4 Q. Yes.

5 A. (In English:) I -- I yell at them. 17:46

6 Q. I'm sorry?

7 A. (In English:) I yell at them.

8 Q. Oh. What did you yell at them?

9 A. (In English:) I -- I yelled at them that
10 they just -- so here's what happened. I -- I told 17:46
11 them if they want me to sign this, I'm not going
12 to join the company, because this is not what we
13 agree.

14 Q. Okay.

15 A. (In English:) And it's -- we agree that 17:46
16 it's acquisition of Tank Exchange, and then we
17 made it clear that they are going to acquire the
18 company for Tank Exchange.

19 And then now, they're change -- they --
20 now they're wanting to make the 600,000 as part of 17:47
21 my employment. This is not what we agree. So I
22 yell at them and tell them if they want this one,
23 I'm not going to join the company and just forget
24 about it.

25 I made it clear to them that the 600,000 17:47

1 had nothing to do with my -- my employment with
2 ByteDance, if you want me to join ByteDance.

3 Q. So you wanted -- so you wanted them to
4 acquire your company, Tank Exchange, and have a
5 separate agreement for you to join ByteDance; 17:47
6 right?

7 A. (In English:) So their position -- so
8 what we agreed, at least back then, in June, was
9 they are going to acquire my company, Tank
10 Exchange. I going to be the only employee in Tank 17:48
11 Exchange to join ByteDance.

12 They said that they -- they've done that a
13 number of times. They said -- Yiming Zhang told
14 me, like, Nan Zhang was a talent that -- Nan
15 Zhang, Nan, N-a-n, Z-h-a-n-g, Nan Zhang -- Yiming 17:48
16 Zhang -- so he -- you -- she said, "Okay, you are
17 going to be the force leader in IES."

18 And then, for example, "Nan Zhang, she was
19 join the same way as you are joining," because Nan
20 Zhang was with her company back then, and then 17:48
21 ByteDance acquired Nan Zhang's company. And then
22 Nan Zhang joined ByteDance as a result of the
23 acquisition of Nan Zhang's company.

24 And then it seems like he was satisfied
25 with Nan Zhang's performance and that he want to 17:49

1 do the same way as my company.

2 So they going to acquire my company. I
3 going to join and be part of the acquisition of
4 Tank Exchange. Tank Exchange is going to become
5 the subsidiary of ByteDance. And as a result of 17:49
6 the acquisition, I'm going to join them.

7 But they wanted to make it simple. They
8 saying, "The acquisition is complicated. Let's do
9 your offer letter, and then put the acquisition in
10 the offer letter." So that's how we got the offer 17:49
11 letter in June.

12 And then in the offer letter, you can see
13 that. It has acquisition cost of \$600,000 in
14 there.

15 So that's why -- that's how we got the 17:49
16 offer letter.

17 But it's a long story, and they change
18 their minds numerous times. And later on, they
19 said they want to do patent; they don't want to
20 get Tank Exchange. 17:50

21 (Phone ringing.)

22 THE WITNESS: (In English:) Sorry about
23 that. I'm going to go turn off my phone.

24 They --

25 Let me turn off my phone. 17:50

1 They -- they just threw out the
2 negotiation. They just changed their words
3 numerous times.

4 So this is just one of their trying to
5 alter what we already agree, that they are going 17:50
6 to acquire the company. Now they're saying,
7 "Okay, this \$600,000 going to tie to your
8 employment."

9 I said, "No. No way. I'm not going to do
10 that. If you want to chance on this, forget about 17:50
11 it. I'm not going to join ByteDance."

12 Q. Okay. Would you have joined BDI if they
13 didn't want to acquire Tank Exchange?

14 A. (In English:) Later, they -- they --
15 they promise -- they change to patent purchase. 17:50
16 Later on. That's -- that's something later
17 happen.

18 But at that time, the agreement -- and we
19 made it clear. We made it clear, very clear.
20 They -- they -- they changed their words back and 17:51
21 forth numerous times, but we made it clear they
22 going to acquire my company, and that's it.

23 Q. Hang on now.

24 A. (In English:) Okay.

25 Q. You're losing me. So you wanted them to 17:51

1 acquire Tank Exchange; right?

2 A. (In English:) Maybe during part of the
3 negotiating, that's the case, but I don't think
4 initially, I was the one proposing -- propose it.

5 I don't want to be not accurate. I think 17:51
6 Yiming Zhang was telling me acquiring my company
7 what he wanted to do, because he acquired Nan
8 Zhang's company as -- and Nan Zhang as part of
9 the -- Nan Zhang's company got acquired by Yiming
10 Zhang's ByteDance. Nan Zhang joined ByteDance. 17:52

11 And she's -- he was, like, "You are going
12 to be similar way. We acquire your company. You
13 join ByteDance. It's a talent acquisition. We've
14 done this many times. It works really well for
15 us. So we want to acquire talent. We are willing 17:52
16 to pay money to acquire talent." That's what he
17 said.

18 I think during -- later on, when Ronnie
19 and Jinmei was involved, they were a bit hesitant
20 to do the acquisition, and then I insisted that 17:52
21 "Let's do the acquisition."

22 If you go to your own productions, you
23 will see that there was hiring notes, like, hiring
24 updates by Wei Hua saying, "We going to stick to
25 acquisition, the plan," and then stuff like that. 17:53

1 we are back on the record.

2 MR. THOMPSON: All right. Let's mark as
3 Exhibit 27 -- this is a -- a WeChat? This is a
4 WeChat.

5 THE INTERPRETER: (Interpreting.) 18:51

6 MR. JUNG: You have this as 27; right?

7 MR. THOMPSON: Yes.

8 (Whereupon, Defendant's Exhibit 27 was
9 marked for identification.)

10 BY MR. THOMPSON: 18:51

11 Q. Sir, do you recognize this WeChat between
12 Jinmei and you?

13 A. (In English:) It appears so.

14 Q. Okay. And in this WeChat, Jinmei
15 starts -- well, I can't -- I think she starts it 18:52
16 out saying (as read):

17 "Hi, Roger. I discussed with Hua
18 Wei" -- H-u-a, new word, W-e-i -- "and he
19 agreed that of the 600,000 of funds cannot
20 be bound provided that you provide proof 18:52
21 of the whereabouts of the money, such as
22 payment records for investors' exit."

23 Do you see that part?

24 A. (In English:) I do.

25 Q. Okay. And it goes on to say (as read): 18:53

1 "Employment -- employee severance
2 expenses, the reason that these expenses
3 have already been incurred and having
4 nothing to do with your own income. Your
5 personal income still needs to be bound. 18:53
6 What do you think?"

7 A. (In English:) Can you -- can you repeat
8 your question?

9 Q. Sure. I'm just reading the text.

10 A. (In English:) Yeah, can you repeat what 18:53
11 you just read?

12 Q. Sure. (As read):

13 "Employment -- employee severance
14 expenses, the reason that these expenses
15 have already been incurred and having 18:54
16 nothing to do with your own income. Your
17 personal income still needs to be bound.
18 What do you think?"

19 Do you recognize that?

20 A. (In English:) Yes, I do. 18:54

21 Q. Did you understand what she meant by
22 binding your income?

23 A. (In English:) I think your question is a
24 bit vague. The -- I -- I -- can you clarify what
25 do I -- what part do I understand? 18:54

1 Q. She says (as read):

2 "Your personal income still needs to
3 be bound."

4 Right?

5 My question is, do you understand what she 18:55
6 meant? What was your understanding?

7 A. (In English:) I think I sort of
8 understand what she meant.

9 Q. All right. Can you tell me in your words
10 what your understanding of that first paragraph 18:55
11 was, what she was talking about?

12 A. (In English:) Again, it's a bit vague.

13 Okay. I'm just going to say my
14 understanding. Is that all right?

15 Q. Yes. 18:55

16 A. (In English:) So my understanding is
17 she's saying she want a portion of the -- a part
18 of the fund to be binding.

19 Q. All right. And your response to her
20 statement is "Okay." 18:56

21 And then you say (as read):

22 "Then can it be taken care of before
23 I join the company?"

24 A. (In English:) Yeah, I -- I believe so.

25 Q. Okay. And then she says (as read): 18:57

1 "We can sign a supplementary
2 agreement. If you agree with the
3 aforementioned situation, then we should
4 be able to do it."
5 Is that right? 18:57
6 A. (In English:) Could you repeat your
7 translation?
8 Q. Sure. (As read):
9 "We can sign a supplementary
10 agreement. If you agree with the 18:57
11 aforementioned situation, then we should
12 be able to do it."
13 A. (In English:) My -- my translation, if I
14 were to translate it -- so you would translate it
15 as "supplementary agreement," and my translation, 18:57
16 if I were translate it, it will be called
17 "supplemental agreement." It's different, but
18 that's what I would call it.
19 Q. Okay. And you agreed; right? You said,
20 "Okay"? 18:58
21 A. (In English:) I said, "Okay."
22 I said, "Okay."
23 Q. All right. And you ask (as read):
24 "Can this matter be taken care of
25 before I join the company?" 18:58

1 A. (In English:) Yeah, yeah, that is.

2 Q. And she says (as read):

3 "Now I'm going to contact the legal
4 affairs department for coordination."

5 A. (In English:) Yeah, that's what it is. 18:58

6 Q. Okay. Now, you used WeChat at the time?

7 A. (In English:) Yes, I did.

8 Q. And do you still use WeChat?

9 A. (In English:) I still have -- I still
10 have WeChat. 18:59

11 Q. And when's the last time you communicated
12 with anybody at BDI on WeChat? Just your best
13 estimate.

14 A. (In English:) 20- -- 2019, I would say.
15 2018 or 2019. 18:59

16 Q. So after you left, that's probably when
17 you stopped communicating with them?

18 A. (In English:) I think there was some
19 follow-up communication in late '28 (sic). I'm
20 not sure about 2019, but probably, like, late 18:59
21 2018, early 2019.

22 Q. Okay. So you generally did your
23 onboarding at BDI -- you started in August 2017;
24 right?

25 A. (In English:) Can you repeat the time 19:00

1 again?

2 Q. August 2017.

3 A. (In English:) Yes.

4 Q. Okay. And were there ever plans for you
5 to try to onboard earlier? 19:00

6 A. (In English:) That is not -- so they --
7 so after I sign the offer letter in June, they
8 were pushing me to start as soon as possible. So
9 they were, like, "You sign the offer letter on
10 June 7th. How about you just buy a plane ticket 19:01
11 and then start right next day?"

12 That's their position. But I never tell
13 them a concrete start date until in mid-August.

14 Q. Okay. Was that because you just had some
15 things to wrap up or needed a little break between 19:01
16 jobs?

17 A. (In English:) Yeah.

18 Q. And did you ever tell anyone that you
19 couldn't onboard earlier because you were getting
20 married? 19:02

21 A. (In English:) I probably said.

22 Q. Okay. All right. The onboarding took
23 place in Beijing?

24 A. (In English:) Yeah. The -- the -- the
25 start date happened in Beijing. 19:02

1 Q. Okay. And why was that?

2 A. (In English:) They told me, "I need you
3 to start in Beijing."

4 Q. And was the approximate dates of
5 onboarding August 22nd to the 30th? 19:02

6 A. (In English:) I don't -- I don't quite
7 understand your question.

8 Q. Sure. I'm just trying to set the
9 parameters of the rough time that you onboarded.
10 We have it as August 22nd to the 30th. Does that 19:03
11 sound about right?

12 A. (In English:) So between the dates you
13 said, August 22nd and 20 -- 30 -- August 30th, I
14 was in Beijing, but I don't count myself as a
15 ByteDance employee until August 30. So before 19:03
16 that, I am not ByteDance employee. I started on
17 August 30.

18 Q. Why is that?

19 A. (In English:) They -- so when you start
20 at the company, they will give you badge. They 19:04
21 will create an email account, stuff like that.

22 From August 22nd -- I was in Beijing
23 August 22nd. August 22nd through, like,
24 August 29th, they didn't issue me badge. They
25 haven't issue me badge. They haven't issue me 19:04

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1 internal access, email, stuff like that.

2 So it's -- onboarding just one day. It's
3 August 30. I won't count August 22 to August 29
4 as part of onboarding.

5 Q. Well, what was happening from the 22nd to 19:04
6 the 30th?

7 A. (In English:) I believe on August 22nd --
8 August 22nd I think is a Tuesday, if I recall
9 correctly. I sign the patent assignment agreement
10 on August 22nd, if I recall correctly. Correct me 19:05
11 if I am wrong, but I believe that's the date, on
12 August 22nd.

13 Q. I was looking more generally. Were you
14 going to meetings? Were you meeting people, going
15 to lunches? I was just looking for a general 19:05
16 overview of what was happening those days.

17 A. (In English:) Yeah, I had meetings. They
18 told me that although I haven't officially
19 started, I should get familiar with the work.

20 So I had meetings. I had lunch, dinners 19:06
21 with them -- in particular, like, the three
22 leaders in IES; Nan Zhang, Wenjie Zhu, Han Li --
23 because they told me that "You need to get
24 familiar with the work."

25 MR. THOMPSON: We'll mark Exhibit Number 19:06

1 28.

2 THE WITNESS: (In English:) Hang Li, yes,
3 H-a-n-g.

4 (Whereupon, Defendant's Exhibit 28 was
5 marked for identification.) 19:07

6 THE REPORTER: 28.

7 BY MR. THOMPSON:

8 Q. And for the record, Exhibit Number 28 are
9 the reception logs starting Tuesday, the 22nd,
10 through Wednesday, the 30th. 19:07

11 Have you ever seen these documents before,
12 Mr. Yu?

13 A. (In English:) I'm taking a look.

14 What time zone? Why there is 2:00 a.m.?

15 Q. You must have been an early riser. I 19:07
16 don't know what the time zone is. I'm sorry.

17 A. (In English:) No, I...

18 MR. GUZMAN: We produced metadata for it,
19 so...

20 MR. THOMPSON: Yeah, we will produce 19:07
21 metadata.

22 MR. GUZMAN: No. We already have.

23 BY MR. THOMPSON:

24 Q. All right. These are just the logs of you
25 checking in on those days, Mr. Yu. Do you have 19:08

1 any reason to dispute that you weren't at the
2 facility on those days?

3 A. (In English:) This appears to be the
4 check-in log for an employee of ByteDance, but
5 it's is not my email, so... 19:09

6 Q. Was Linlin the person that usually met you
7 when you came to the facility?

8 A. (In English:) Linlin?

9 Q. Yes.

10 MR. GUZMAN: Linlin, L-i-n-l-i-n, Fan, 19:09
11 F-a-n.

12 THE WITNESS: (In English:) Yeah, I
13 believe he -- she was -- she was the person --

14 BY MR. THOMPSON:

15 Q. Okay. 19:10

16 A. (In English:) -- who -- who, essentially,
17 let me in because I -- I don't have the -- I
18 didn't have the badge.

19 Q. Right.

20 A. (In English:) I cannot get in myself. 19:10

21 Q. And they got you the badge on the 30th?
22 That's what you testified to?

23 THE WITNESS: (In English to Interpreter:)
24 Could you -- could you repeat what he said?

25 BY MR. THOMPSON: 19:10

1 Q. You got your badge on the 30th?

2 A. (In English:) Yeah, I got it on August
3 30th.

4 MR. THOMPSON: Mark Exhibit Number 29.

5 (Whereupon, Defendant's Exhibit 29 was 19:11
6 marked for identification.)

7 THE WITNESS: (In English:) May I ask you
8 a question?

9 BY MR. THOMPSON:

10 Q. Sure. 19:11

11 A. (In English:) So are these logs, like,
12 visit logs, all the logs for Linlin Fan?

13 Q. I wouldn't know.

14 A. (In English:) But it appears so; right?

15 It appears to be all the logs from Linlin Fan? 19:12

16 Q. I don't know.

17 A. (In English:) Okay.

18 Q. Why do you ask?

19 A. (In English:) I'm just curious.

20 Q. Okay. 19:12

21 All right. So Exhibit Number 29 is an
22 August 22nd chain having to do primarily with the
23 undertaking agreement.

24 Now, were you presented with the
25 undertaking agreement on or about August 22nd? 19:12

1 A. (In English:) Let me take a look.

2 Why is it, like, 4:00 a.m. and then is
3 11:00? You see there is a 4:00 a.m. and 11:00?
4 August 22nd, Tuesday, 4:00 a.m. The next one is
5 11:55. And then the 4:00 a.m. is on top of 11:00. 19:13
6 So it's, like, you have an email, like, eight
7 hours before, after an email was sent. How come
8 it's, like, after eight -- eight hours?

9 MR. GUZMAN: Time zones change depending
10 on the sender. 19:13

11 THE WITNESS: (In English:) That -- this
12 is same sender, because Yuan- -- Yuanyuan Xin is
13 same sender. There is an email on 11:55 that's an
14 earlier email, and then the later email, which is
15 4:00 a.m. How can -- how can that be possible? 19:14

16 MR. GUZMAN: That could be explained
17 through laptops. If I use a laptop and a desktop
18 and I -- they're set on different time zones.

19 THE WITNESS: (In English:) Well, and why
20 the fonts are very different? 19:14

21 MR. THOMPSON: But Mr. Yu -- Mr. Yu --

22 THE WITNESS: (In English:) I'm just
23 curious. It looks very strange --

24 MR. THOMPSON: I understand --

25 MR. GUZMAN: We produced metadata --

1 (Clarification requested by Reporter.)

2 BY MR. THOMPSON:

3 Q. Your lawyers will have the opportunity to
4 ask these questions of BDI employees. This is my
5 deposition -- 19:14

6 A. (In English:) Okay.

7 Q. -- of you. Please let me ask the
8 questions, or we'll be here all night.

9 A. (In English:) Okay. Yeah, but I'm
10 just -- out of curiosity, how can -- yeah. 19:14

11 Q. Mr. Yu, please stay with the program.
12 You were using -- you were using the email
13 yintaoyu -- y-i-n-t-a-o-y-u -- @gmail.com as of
14 August 22, 2017; correct?

15 A. (In English:) That's probably right. 19:15

16 Q. All right. So my question is very simple:
17 Did you get a copy of this undertaking agreement
18 on Tuesday, August 22nd?

19 A. (In English:) I believe I saw it -- I
20 don't think I got it in my email, or at least I 19:15
21 didn't see it in there. I didn't see it in my
22 email, but I did get a -- I believe I get a hard
23 copy of the proposed undertaking agreement on --
24 on this date.

25 Q. Okay. Did you read the undertaking 19:16

1 agreement?

2 A. (In English:) I believe I read it.

3 Q. Okay. And was the undertaking agreement
4 in English?

5 A. (In English:) If you -- which -- you're 19:16
6 saying this undertaking agreement at -- in
7 BDI_00495?

8 Q. Yeah.

9 A. (In English:) You can tell it's in
10 English. 19:16

11 Q. I can tell it's in English, yes.

12 My question to you was, did you get it in
13 English? Did you get it in this format?

14 A. (In English:) Yeah, I believe this was in
15 English. 19:17

16 Why do you ask?

17 Q. You don't get to ask me questions.

18 A. (In English:) But I just -- it's clearly
19 English, so I don't see the need for the...

20 MR. JUNG: Let's just wait for a question. 19:17

21 THE WITNESS: (In English:) Okay.

22 MR. THOMPSON: Please. Thank you.

23 Move to strike.

24 All right. Let's go to Exhibit 30.

25 (Whereupon, Defendant's Exhibit 30 was 19:17

1 marked for identification.)

2 BY MR. THOMPSON:

3 Q. Okay. Exhibit 30 is August 22nd chain
4 involving the undertaking agreement and patent
5 agreements, I think. 19:18

6 All right. On August 22nd, you were using
7 the email yintaoyu@gmail.com; correct?

8 A. (In English:) It -- it appears so.

9 Q. Okay. And Yuanyuan, Y-u-a-n-y-u-a-n, one
10 word, sent you the patent assignment agreement and 19:18
11 a copy of the previous assignment agreement and
12 Tank's bank account -- strike that question.

13 The first statement in the email is (as
14 read):

15 "Attached is the patent assignment 19:19
16 agreement, but a copy of the previous
17 assignment agreement and Tank bank account
18 numbers are missing."

19 Is that correct? Is that what you're
20 reading? 19:19

21 THE WITNESS: (In English to Interpreter:)

22 Could you repeat one more time what he said? I
23 want to --

24 BY MR. THOMPSON:

25 Q. What does the email say? You can -- you 19:19

1 can tell us in English, if you want.

2 A. (In English:) (As read):

3 "Attached is a patent assignment
4 agreement. We are missing a transfer
5 agreement and the bank account of Tank." 19:20

6 Q. Okay. When you got the patent assignment
7 agreement, did you review it?

8 A. (In English:) You said, did I read it?

9 Q. Correct.

10 A. (In English:) Yeah, I -- I believe I read 19:20
11 it when I got a hard copy. So they gave me a hard
12 copy. I read the hard copy. I didn't read this
13 email.

14 Q. Okay.

15 MR. THOMPSON: Let's go to 31 now. 19:20
16 (Whereupon, Defendant's Exhibit 31 was
17 marked for identification.)

18 BY MR. THOMPSON:

19 Q. Okay. Exhibit 31 is an August 22nd chain.
20 It's from you to Yuanyuan, dated Tuesday, 19:21
21 August 22nd. And I believe you attached the
22 assignment agreement and Tank's account number.
23 Is that correct?

24 A. (In English:) No. First of all, I'm --
25 I'm -- so first of all, this is -- I'm just 19:22

1 literally reading this email.

2 The first one is not the patent
3 assignment. It's, like, patent transfer. So
4 it's -- it's a different set of document. It's
5 not a patent assignment. 19:22

6 I sign the patent assignment agreement in
7 hard copy.

8 Q. Can you read for us what you wrote to
9 Yuanyuan in English?

10 A. (In English:) I cannot authenticate if 19:23
11 that's, indeed, what I sent. I can only transfer
12 what literally it says.

13 I'm just going to do the translation for
14 this in my own translation. I -- I -- I am not
15 verifying, saying this is what I sent. I might 19:23
16 sent it. I might not. I don't know if that's
17 truly what I sent.

18 But I going to transfer for you just to do
19 you a favor. So it says (as read):

20 "1. Transfer agreement. 19:23

21 "2. Account for Tank."

22 That's what it says.

23 Q. Okay.

24 MR. THOMPSON: All right. Let's go to 32.

25 (Whereupon, Defendant's Exhibit 32 was 19:23

1 marked for identification.)

2 BY MR. THOMPSON:

3 Q. So 32 is an August 22nd chain. You,
4 Mr. Yu, are sending a G drive link, I believe.

5 Did you send this email to Yuanyuan? 19:24

6 A. (In English:) I -- I cannot verify if
7 this is, indeed, what I sent. It could be mine.
8 It could be not.

9 Q. Why is that?

10 A. (In English:) I'm not sure. I don't -- 19:25
11 I'm not sure if that's -- it's a true copy of what
12 I sent.

13 Q. All right. So it is from your email
14 account; correct?

15 A. (In English:) Yeah, it -- like I said, it 19:25
16 appears so, but I cannot verify the content.

17 Q. Why can't you verify the content? You
18 have no memory of sending this email?

19 A. (In English:) I don't -- I don't recall.
20 I'm not sure. I don't -- I don't want to 19:25
21 speculate.

22 Q. Who else would have had access to the
23 email account yintaoyu@gmail.com other than you?

24 A. (In English:) I don't know. Maybe a
25 hacker from ByteDance. 19:26

1 MR. THOMPSON: I'll move to strike that as
2 speculation.

3 MR. JUNG: You asked the question. It's
4 not really non-responsive. But please continue.

5 MR. THOMPSON: Okay. We'll go into that. 19:26
6 BY MR. THOMPSON:

7 Q. So who would have hacked you from
8 ByteDance on August 22, 2017?

9 A. (In English:) I don't know.

10 Q. Mr. Yu, you're making some pretty big 19:26
11 claims here on a pretty vanilla email, so -- let
12 me finish.

13 This is just, as I understand it, a
14 transmission on August 22nd from you to Yuanyuan
15 with attachments of an assignment agreement and 19:27
16 the account number for Tank. Why do you think
17 somebody would hack that at BDI?

18 A. (In English:) I'm not asserting ByteDance
19 hack it. I'm just saying it could -- could be a
20 hacker. 19:27

21 But all I said is, I cannot authenticate
22 this accounting of the email. So what I meant is,
23 maybe I send it; maybe I did not send it. Maybe I
24 send it, but I sent something else. I don't know.

25 But -- it could be what I sent, but I 19:28

1 cannot authenticate based on my memory. I only
2 want to authenticate what I remember.

3 Q. That's what the piece of paper is for.
4 That doesn't refresh your recollection whether or
5 not that happened on the 22nd? 19:28

6 A. (In English:) I don't recall I sent this.
7 It could be what I sent, but I don't want to make
8 a speculation. That -- that's my position. I --
9 I only want to confirm what I remember.

10 I'm not denying. It could be mine. 19:28

11 But --

12 MR. THOMPSON: Let's go to Exhibit 33.

13 THE WITNESS: (In English:) -- I don't
14 want to speculate.

15 (Whereupon, Defendant's Exhibit 33 was 19:29
16 marked for identification.)

17 BY MR. THOMPSON:

18 Q. Exhibit 33 is an August 22nd chain
19 involving the undertaking patent agreement and the
20 side letter. It is from Yuanyuan to 19:29
21 yintaoyu@gmail.com.

22 Do you recall -- do you recall receiving
23 this email?

24 A. (In English:) I -- I do not recall. What
25 they asking me to sign during that period is 19:30

1 all -- they give me hard copies, and I only sign
2 hard copies.

3 Q. From what device were you sending and
4 receiving these emails?

5 A. (In English:) Like I said, I don't recall 19:30
6 I sending -- I send those emails. I already made
7 it clear to you. Also, I don't recall I got those
8 emails. So I don't recall which device.

9 Q. What devices did you own in 2017 that
10 could send or receive emails? 19:31

11 A. (In English:) I had an old laptop in
12 2017.

13 Q. What kind?

14 A. (In English:) What's the question?

15 Q. What brand was it? 19:31

16 A. (In English:) It's a -- it's the
17 ThinkPad.

18 Q. What happened to that ThinkPad?

19 A. (In English:) I -- I answer in your
20 interrogatories. 19:31

21 Q. I'm asking the question now. Please
22 answer it.

23 A. (In English:) The -- the keyboard of the
24 laptop is not good. I discarded the -- the
25 laptop. 19:32

1 Q. And when did you throw it away?

2 A. (In English:) I don't recall exactly.

3 Q. Did you throw it away in 2018?

4 A. (In English:) I don't recall exactly. I
5 think it more likely to be 2017. 19:32

6 Q. And did you do anything to preserve or
7 transfer the information that was on that computer
8 to your next computer?

9 A. (In English:) Yeah. I copy some data to
10 a portable hard disk -- hard drive. 19:33

11 Q. What happened to that hard drive? Do you
12 still have it?

13 A. (In English:) It's -- it's the same hard
14 drive we discussed.

15 Q. Okay. So the only way that we would know 19:33
16 if you sent or received these emails would have
17 been to have obtained either the 2017 ThinkPad
18 that you threw away or the hard drive that you
19 lost; correct?

20 A. (In English:) I don't know. Probably 19:33
21 right.

22 Q. Okay. All right. So you received hard
23 copies of the patent and the undertaking
24 agreements; is that right?

25 A. (In English:) Yeah. I receive hard 19:34

1 copies.

2 Q. Okay. And did Linlin Fan bring you those
3 agreements on August 22nd?

4 A. (In English:) No, it's -- it's not -- I
5 don't think it's her. It's someone else. 19:35

6 Q. Are you sure?

7 A. (In English:) I'm -- I think I'm sure.

8 Q. So if Linlin were to testify that she
9 brought those documents to you and watched you
10 sign them, you would disagree with that? 19:35

11 A. (In English:) What did Linlin say?

12 Q. Answer my question.

13 A. (In English:) Can you -- can you repeat
14 your question?

15 Q. Sure. If Linlin Fan brought you the 19:36
16 documents and watched you sign them, you would
17 disagree with that?

18 A. (In English:) I disagree what she said.

19 Q. Okay. So you don't think -- let's break
20 it down. 19:36

21 You don't think Linlin brought you the
22 documents.

23 A. (In English:) Yeah, she -- she -- she was
24 not the one. She -- she opens the door. She --
25 she's, like -- like, reception -- she's not a 19:36

1 reception, but she's, like, a reception for me to
2 get in.

3 Q. And she did not bring you those
4 agreements, as you recall?

5 A. (In English:) Yeah. It's someone else. 19:37

6 Q. All right. And who is that someone else?

7 A. (In English:) I don't -- I don't recall.

8 Q. Do you recall meeting with Linlin Fan on
9 August 27th in regards to the side letter?

10 A. (In English:) So if you look at this 19:37
11 log --

12 So, first of all, I want to -- all the
13 document signing is in -- they have two
14 building -- they have two buildings.

15 One is called a -- what they call in 19:38
16 Chinese, is like the lower deck, like a short
17 building. So, like -- that's, like, two, three
18 stories.

19 The address is, like, North -- North 3rd
20 Ring West Road -- North 3rd Ring West Road -- West 19:38
21 Road, Zhonghang Square. I think the number is,
22 like, 43, something. It's, like, two or three
23 building -- two- or three-story building. And
24 anything I sign is in that building.

25 They also have a tall building, which is 19:39

1 pretty tall, definitely over ten stories. And
2 then for that -- anything happen in that building
3 is for, like, attending some meetings, meeting
4 with someone, having lunch, having dinner with
5 someone. 19:39

6 So if you look at these logs, even assume
7 these logs were true, which I doubt it, August 27,
8 Roger Yu -- I was going to the tall building. In
9 the tall building, there is no signing at all.

10 So, clearly, I didn't sign anything on the 19:39
11 27th. If -- if I sign anything on 27, I will be
12 in a different building, like the one on
13 August 22nd, which is -- the location is
14 Zhonghang Ai lou --

15 THE WITNESS: (In English to Interpreter:) 19:40
16 Can you transfer this, "Zhonghang Ai lou" to them?

17 THE INTERPRETER: That would be --

18 THE WITNESS: (In English to Interpreter:)
19 "Zhonghang" --

20 THE INTERPRETER: -- "Chinese airline 19:40
21 short building."

22 THE WITNESS: (In English to Interpreter:)
23 Just "Zhonghang." They just --

24 THE INTERPRETER: Okay. If I just use the
25 pinyin, p-i-n-y-i-n, would be Z-h-o-n-g-h-a-n-g 19:40

1 "short building."

2 THE WITNESS: (In English:) Yeah, "short
3 building."

4 So you -- there is no visit on 27, I go to
5 the short building. I visited the short building 19:40
6 on 22nd. I sign a patent assignment agreement --
7 single agreement on August 22nd.

8 It's impossible, based on your own
9 records, that I sign a -- a side letter to the --
10 a side letter on 2017 (sic). How could that be 19:41
11 possible?

12 BY MR. THOMPSON:

13 Q. Are you done?

14 A. (In English:) I -- you want me to
15 continue on? 19:41

16 Q. No. I'm just asking if you're done. I
17 mean, I would normally ask another question.

18 A. (In English:) I'm just saying, based on
19 your own -- your own records, it's impossible for
20 me to sign any documents on the day of 27. 19:41

21 Q. Okay. So you did not meet with Linlin Fan
22 on August 27th? She did not meet you in person in
23 Beijing?

24 A. (In English:) I met with her --

25 THE INTERPRETER: (Interpreting.) 19:41

1 THE WITNESS: (In English:) No, I did not
2 say that. I said on August 27th, I did not meet
3 her in the short building, the Zhonghang short
4 building. And the Zhonghang short building is
5 executive, like, Yiming Zhang, like -- 19:42

6 (Clarification requested by Reporter.)

7 BY MR. THOMPSON:

8 Q. Let's go back -- hang on. Time out.
9 Let's go back to question and answer.

10 This is a very simple yes-or-no question. 19:42
11 Did you meet with Linlin Fan on August 27th?

12 A. (In English:) I could meet with Linlin
13 Fan August 27 if these records are -- were true,
14 but I met with her in the taller building, and
15 then that's not for signing any documents because 19:42
16 they don't do signing -- the ByteDance doesn't do
17 signing in the tall building. The tall building
18 is IES department.

19 The short building is all the executives,
20 like Yiming Zhang, located -- 19:43

21 (Clarification requested by Reporter.)

22 THE WITNESS: (In English:) Short
23 building is where all executives, like Yiming
24 Zhang, Hua Wei, Jinmei Xiao --

25 BY MR. THOMPSON: 19:43

1 Q. Okay. Please stop.

2 A. (In English:) -- and legal department,
3 they're all in the short building, and then all
4 the signing is in the short building.

5 And the tall building just for -- it 19:43
6 like for -- for, like, R&D, research and
7 development. No signing there.

8 MR. THOMPSON: I'm going to move to strike
9 as nonresponsive.

10 BY MR. THOMPSON: 19:43

11 Q. I understand what you're saying, and I
12 know what you want to say, but I'm just trying to
13 make a record for the Court that's nice and clear.

14 This is a yes-or-no question. Did you
15 meet with Linlin Fan on August 27th? 19:43

16 A. (In English:) You're asking me, have I
17 met with Linlin Fan on August 27th?

18 Q. Yes. Did you meet with Linlin Fan on
19 August 27th?

20 A. (In English:) I probably met with Linlin 19:44
21 Fan on August 27th --

22 Q. Okay.

23 A. (In English:) -- but I did not met with
24 her in the short building, which is for any signed
25 documents. 19:44

1 Q. Okay. Thank you.

2 Did she bring you the side letter to sign
3 on August 27th anywhere in Beijing?

4 A. (In English:) No.

5 Q. You did not sign the side letter on 19:45
6 August 27th in front of Linlin Fan; correct?

7 A. (In English:) No, I did not sign any
8 document on August 27th.

9 Q. Okay. Again, so if Linlin testifies that
10 she brought you the side letter and watched you 19:45
11 sign it, it would be your position that that is
12 incorrect?

13 A. (In English:) What she said was wrong.
14 And, also, I didn't sign the August 27th --
15 sorry -- August 22nd Patent Assignment in front of 19:46
16 her. That -- that was a different person.

17 MR. THOMPSON: All right. Let's mark this
18 as Exhibit Number 34.

19 (Whereupon, Defendant's Exhibit 34 was
20 marked for identification.) 19:46

21 BY MR. THOMPSON:

22 Q. Exhibit Number 34 is the 8/22/2017 signed
23 patent agreement. Do you recognize this document?

24 A. (In English:) It appears so. I -- I
25 recognize. 19:47

1 Q. Okay. And is that your signature on
2 BDI_000033?

3 A. (In English:) Can you give me a moment
4 just to see the whole agreement? I want to be
5 careful. 19:47

6 It appears so. It appears so.

7 Q. Okay. Is this your handwriting on the
8 first page, the "August 22nd"?

9 A. (In English:) Can you -- can you your
10 question again. 19:49

11 Q. Yeah. Is this your handwriting
12 (indicating)?

13 A. (In English:) I cannot tell.

14 Q. And what I was referring to, for the
15 record, was BDI_000026. 19:49

16 If you'll turn to BDI_000032, Schedule 1.

17 Is that your handwriting?

18 A. (In English:) I -- I cannot tell.

19 Q. Is the information on page 32 correct?

20 A. (In English:) Appears to be correct. 19:50

21 Q. And why can't you tell if that's your
22 handwriting?

23 A. (In English:) I want to be certain.

24 It -- it could be mine, but I don't want to make
25 speculation. 19:50

1 Q. Would you have given that information to
2 anyone else at BDI at this point in time that they
3 could have written it in?

4 A. (In English:) Yeah, it's -- it's possible
5 I gave them the patent information. 19:51

6 Q. All right. And I'm confused by your
7 difficulty to identify what is probably your own
8 writing. Why is that? We're on page 32.

9 MR. JUNG: Form. Vague. Asked and
10 answered. Foundation. 19:51

11 THE WITNESS: (In English:) Like I told
12 you, I don't want to speculate. It could be
13 someone writing something, someone else wrote it
14 similar to my handwriting. I'm not saying it
15 could be; I'm not saying it could not be. It 19:52
16 could be my handwriting, but I don't want to
17 affirmatively confirm. I just want to be careful.

18 BY MR. THOMPSON:

19 Q. Do you usually have difficulty identifying
20 your own handwriting? 19:52

21 A. (In English:) What do you mean by
22 "identifying"?

23 Q. You seem to have a lot of difficulty
24 identifying your own writing, in this deposition
25 anyway. 19:52

1 A. (In English:) So I believe -- you see --
2 I don't know how they got the name underneath,
3 Y-i-n-t-a-o Y-u. Do you see that?

4 Q. I do.

5 A. (In English:) I don't know how they got 19:54
6 it, but it appears to be my handwriting.

7 But if you see the signature, the
8 signature has so much pixelate.

9 It's -- you see here? It's, like, this --
10 this part is so dark. There is no dots. There's 19:55
11 no pixelating on the name, the print name.

12 But the signature looks like it's scanned,
13 and then there is so much pixelate on it, the same
14 way as "Yiming Zhang," the "Yiming Zhang"
15 signature. 19:55

16 So it could be -- I mean, appears to me
17 that the same person who signed "Yiming Zhang"
18 signed this purported my signature, but this is a
19 hundred percent not my signature.

20 If I sign it, then -- you see how dark 19:55
21 this is and how -- how grayish this is, how
22 pixelated it is? Look -- look at -- look at this.
23 You see how -- how many pixel, how many dots are
24 on here and then how -- how clean it is
25 underneath? This is the print. How can that be 19:55

1 possible?

2 Can you see it? You see how many dots
3 right here?

4 Q. I am not testifying. You are.

5 A. (In English:) But you see it; right? You 19:56
6 see the pixelate here?

7 Q. Are you done?

8 The question is just: Did you sign --

9 A. (In English:) It's --

10 Q. Did you sign -- 19:56

11 Listen. Stop. Your counselor can make
12 these arguments for you at trial. Just answer my
13 questions in the deposition.

14 A. (In English:) No, I -- I --

15 Q. If your answer -- stop. 19:56

16 If your answer is, "It's not my signature;
17 I didn't sign this," fine. We don't care.
18 Just -- just answer my questions. Okay? Please.

19 MR. JUNG: I think, yes, definitely answer
20 counsel's questions. 19:56

21 But that was your question, Counsel. I'm
22 sorry. Your question wasn't --

23 MR. THOMPSON: He went on forever.

24 MR. JUNG: Hold on a second. Your
25 question, with respect, was "Why don't you think 19:57

1 it's your signature?"

2 And you got an answer to that, so why
3 don't we just move on.

4 BY MR. THOMPSON:

5 Q. Let's do that. Okay. 19:57

6 A. (In English:) Yeah. You asked.

7 Q. All right. Did you sign the side letter
8 on August 27th?

9 A. (In English:) No.

10 Q. Did you ever sign the side letter? 19:57

11 A. (In English:) I never signed the side
12 letter.

13 Q. All right. Why didn't you sign the side
14 letter?

15 A. (In English:) The side letter is not what 19:57
16 we agreed -- I mean, I agreed with ByteDance, so I
17 didn't sign it.

18 Q. Did you receive \$600,000 from ByteDance?

19 A. (In English:) Tank Exchange. Tank
20 Exchange received it. 19:58

21 Q. All right. But you never signed a side
22 letter agreeing to the terms of this letter?

23 A. (In English:) I did not agree to the side
24 letter, and then I made it clear to ByteDance
25 because -- 19:58

1 So when they -- do you recall -- so when
2 they -- for example, when they want to make the
3 acquisition cost to like a sign-on bonus, they
4 want to make, like, the 600,000 as part of my
5 employment, I made it clear to them that the 19:59
6 600,000 has nothing to do with my employment.

7 And later on, they said, "Oh, we don't
8 want to acquire Tank Exchange. Let's just
9 purchase some intellectual property, like IP, the
10 patent from Tank Exchange." 19:59

11 So they essentially want to modify the
12 offer letter. I give them -- I compromised. So I
13 said, "Fine, let's -- I'll sign the patent
14 assignment agreement, but nothing else."

15 And the patent assignment agreement is 19:59
16 just the agreement between two companies. I sign
17 it on behalf of Tank Exchange. It's agreement
18 between ByteDance and Tank Exchange.

19 And, plus, if you read this patent
20 assignment agreement, it has no third-party 20:00
21 rights. It's saying a person who is not a party
22 has no rights under the contract. It's -- it's no
23 California jurisdiction.

24 If it's employment, it's going to be
25 California law, California jurisdiction. It has 20:00

1 nothing to do with my employment. So why would I
2 sign a side letter which going to...

3 But the 600,000 has -- I made it clear to
4 them: "600,000, nothing to do with my employment
5 at ByteDance, period. Don't try to -- don't try 20:00
6 to make me sign anything to make the 600,000 as
7 part of the employment. It's just a -- a clean IP
8 purchase. You bought the IP. You bought the
9 patent. You buy the patent from Tank Exchange.
10 That's it. Nothing to do with my employment. 20:00
11 That's it. Don't try to sandbag me."

12 And you see how fake this -- how fake this
13 signature is.

14 MR. THOMPSON: Okay. Move to strike as
15 nonresponsive. 20:01

16 BY MR. THOMPSON:

17 Q. No. That's what --

18 A. (In English:) You asked --

19 Q. My question --

20 A. (In English:) Go ahead. 20:01

21 Q. My question was that you contend you never
22 signed the side letter; correct?

23 MR. JUNG: That's --

24 MR. THOMPSON: That's not paragraphs.

25 That's "yes" or "no." 20:01

1 MR. JUNG: But --

2 THE WITNESS: (In English:) I never
3 signed the side letter.

4 BY MR. THOMPSON:

5 Q. All right. And Tank Exchange -- 20:01

6 A. (In English:) I mean -- I want to make it
7 clear. The side letter to the patent assignment
8 agreement.

9 Q. Tank Exchange, your company, accepted
10 \$600,000 from ByteDance; right? 20:01

11 A. (In English:) All I can say is Tank
12 Exchange received \$600,000 from ByteDance, and
13 that's not part of my employment.

14 I want to remind you the patent assignment
15 agreement has the Hong Kong law in it, Hong Kong 20:02
16 jurisdiction in the patent assignment agreement.
17 So it's not something with employment, which is
18 California jurisdiction, California law.

19 MR. THOMPSON: There is no question
20 pending. Move to strike. 20:02

21 THE WITNESS: (In English:) All right.

22 BY MR. THOMPSON:

23 Q. You negotiated a payment of \$600,000 for
24 Tank Exchange; correct?

25 A. (In English:) This is very vaguely. I 20:04

1 just want to clarify. The initial agreement is
2 ByteDance -- which is in the offer letter, that
3 ByteDance acquire Tank Exchange for 600,000.

4 And later on, they said, "No, we don't
5 want to acquire Tank Exchange. We just do the IP. 20:04
6 It's easier for us this way."

7 So we did the patent assignment agreement.

8 Q. Okay. So for \$600,000, ByteDance acquired
9 the patents of Tank Exchange; correct?

10 A. (In English:) Yeah. For 600,000, 20:05
11 ByteDance acquired a patent.

12 Q. And you owned the patents?

13 A. (In English:) Tank Exchange. Tank
14 Exchange own.

15 Q. They were your patents, though; right? 20:05

16 A. (In English:) The patent was owned by
17 Tank Exchange.

18 Q. Okay. And you owned Tank Exchange; right?

19 A. (In English:) I was the CEO, and I cannot
20 comment on the owner. 20:05

21 Q. Did anybody else other than you own Tank
22 Exchange?

23 A. (In English:) Yeah.

24 Q. Who?

25 A. (In English:) It's privacy. The -- 20:05

1 the -- the employees of the Tank Exchange is
2 private and confidential.

3 Q. How many employees did Tank Exchange have
4 in 2017?

5 A. (In English:) Around ten. 20:06

6 Q. And they were all owners?

7 A. (In English:) I believe most of them.

8 Q. And how much of Tank Exchange did you own
9 in 2017?

10 A. (In English:) That's private, 20:06
11 confidential -- that's confidential information.

12 Q. Well, I'm just trying to do a little math.

13 But what happened to the \$600,000 that
14 Tank Exchange received?

15 MR. JUNG: Objection. Relevance. We're 20:07
16 getting pretty far afield.

17 BY MR. THOMPSON:

18 Q. You're not instructed not to answer. Can
19 you answer the question?

20 A. (In English:) Pay the employees. 20:07

21 Q. So you paid the employees the \$600,000?

22 MR. JUNG: Relevance. Privacy.

23 BY MR. THOMPSON:

24 Q. Can you answer the question?

25 A. (In English:) California privacy. The 20:07

1 employee information confidential.

2 MR. JUNG: There is a constitutional and
3 statutory right to employee privacy.

4 But I also think this is going pretty far
5 afield, and so I'll stick also with my relevance 20:08
6 objection.

7 MR. THOMPSON: Fair enough. I'll come
8 back to this in a minute.

9 BY MR. THOMPSON:

10 Q. Did anyone... 20:09

11 You see the side letter -- strike that.

12 The side letter was presented to you;
13 correct?

14 A. (In English:) I -- I believe so. They
15 probably present it to me. 20:09

16 Q. And you objected to it? Is that your
17 testimony?

18 A. (In English:) I -- I did not want to -- I
19 did not want to sign the side letter.

20 Q. Okay. Did Ronnie present you with the 20:09
21 side letter?

22 A. (In English:) No. It's -- it's someone
23 else.

24 Q. When did they present it to you?

25 Was it on August 22nd? 20:09

1 A. (In English:) I think it's August 22nd.
2 And then I -- they gave me a few documents. They
3 gave me -- they present side letter. They
4 presented the patent assignment agreement. They
5 presented undertaking agreement. And I was only 20:10
6 willing to sign the patent assignment agreement
7 because that's what we agreed.

8 Q. So you refused to someone to sign the side
9 letter?

10 A. (In English:) Yeah, I -- I refused to 20:10
11 sign the side letter.

12 Q. Who did you refuse to sign the side
13 letter?

14 A. (In English:) The same person presented
15 the -- the patent assignment agreement, side 20:10
16 letter, undertaking agreement. So on August 22nd,
17 I think they -- they --

18 Look at this email. I mean, although I
19 didn't get the email, it looks like they generated
20 these documents on August 22nd, side letter, 20:11
21 undertaking agreement, patent assignment. This is
22 on the same email.

23 I'm not saying I got it on my email, but
24 it appears on August 22nd -- I'm talking about
25 BDI_000518. On a single email, there was side 20:11

1 letter, undertaking agreement, patent assignment
2 agreement in the same email.

3 So, to me, it seems like on August 22nd,
4 all the documents -- all the three documents were
5 ready. 20:11

6 And someone present these three documents
7 to me, and then I told them, "The only agreement
8 we agreed -- we negotiated" --

9 We don't need to do that one more time. I
10 agree to sign this patent assignment agreement, 20:11
11 and then I sign the patent assignment agreement.

12 Q. My question --

13 A. (In English:) "And don't try to sandbag
14 me with some additional documents we didn't
15 agree." 20:12

16 Q. My question is: Who is the person that
17 you told you would not sign the side letter?

18 A. (In English:) This -- the same person --
19 the same person presented the -- I believe the
20 same person presented the side letter, undertaking 20:12
21 agreement, patent assignment agreement. And I
22 sign the patent assignment agreement in front of
23 that person.

24 Q. Did any BDI executive have any
25 conversations with you about your not signing the 20:12

1 side letter?

2 A. (In English:) What do you mean by
3 "executive"?

4 Q. Well, I could foresee a situation that if
5 you refused to sign this document, someone would 20:13
6 say, "Well, you are not coming to work for us
7 then."

8 So I would assume that if you refused to
9 sign this letter, you would have had some
10 discussion with some executive at some point and 20:13
11 said, "I'm not going to sign this," and the
12 process would have ended.

13 So was there a person that stepped up, an
14 executive, that said, "I understand you won't sign
15 this, and that's a problem"? 20:13

16 A. (In English:) So here's what happened.
17 So I talked to Hua Wei and Jinmei Xiao
18 regarding -- because initially, they said they
19 going to acquire the company, and later on, they
20 said they going to do the patent purchase. 20:14

21 And then we mutually agree that we going
22 to do the patent assignment agreement, but we
23 didn't talk about any document else.

24 So I think they knew that. They knew that
25 it's some extra document they wanted to sign me 20:14

1 when I already in Beijing about to join the
2 company. I think they kind of knew that this is
3 some extra thing which we had not -- we did not
4 mutually agree -- we did not mutually agree.

5 The only thing we agreed before I flew to 20:14
6 Beijing was the patent assignment agreement. We
7 didn't agree to anything else, like the side
8 letter, the undertaking agreement.

9 I think their strategy -- that's my guess.
10 I think their strategy is, "Oh, you're already in 20:15
11 Beijing. You are about to join the company. We
12 throw out some additional documents, you probably
13 going to sign. And then we'll try."

14 They tried to sandbag me. They tried to,
15 like, doping me -- they're trying to dope me into 20:15
16 signing this document.

17 And then I told the person who give me
18 these three documents, "Look, patent assignment,
19 that's fine. We -- we already talk about. I
20 talked to Jinmei Xiao and Hua Wei. That's fine. 20:15
21 I going to sign it. Undertaking, side letter, no,
22 we -- I didn't -- did not agree. Not sign."

23 They probably went back to the executive.
24 I did not talk to an executive afterwards.

25 MR. THOMPSON: Move to strike all of that 20:15

1 answer that was based on speculation and
2 conjecture.

3 BY MR. THOMPSON:

4 Q. Why would you want to go to work for a
5 company with executives that were trying to dope 20:16
6 you on agreements?

7 A. (In English:) So I -- these things
8 were -- so these several documents we're talking
9 about were between, like, Jinmei Xiao, Wei Hua.

10 I was -- so you asked me the question, why 20:16
11 would I work for ByteDance? Is: I do see the
12 opportunity for the -- like, the short video
13 product. I -- I like Yiming. I -- I praise
14 Yiming Zhang's vision. I share that vision with
15 him. 20:17

16 So I think, "It's fine. We just tell
17 them, 'Okay, this is not a part of the agreement.
18 I didn't sign that I going to join the company.
19 You knew that I am not going to sign. But your
20 behavior is not very ethical'" -- 20:17

21 Q. You actually said to someone, "Your
22 behavior isn't ethical"?

23 A. (In English:) No. I -- I was frustrated
24 about their behavior, but I think what I said is,
25 "What you are trying to do is not a good move 20:17

1 because this is not what we agreed."

2 And they were -- you know, like I told
3 you, they were going back and forth a number of
4 times, even before I flew to Beijing.

5 They were initially -- after we already 20:17
6 agree that they are going to acquire ByteDance --
7 I'm sorry -- they are going to agree -- acquire
8 Tank Exchange, they were, like, "How about we
9 don't acquire Tank Exchange? How about we just
10 change your sign-on -- the acquisition cost into 20:18
11 your sign-on bonus?"

12 You see that email; right? I yell at
13 them. I told them, "No, I'm not going to join" --

14 Q. You're way off the question.

15 A. (In English:) They are trying to -- 20:18

16 Q. You're way off the question again.

17 A. (In English:) They were trying to do
18 these things all the time.

19 Q. I know you have a narrative that you are
20 dying to give, and your lawyer will let you do 20:18
21 that when you get into trial, but try to answer my
22 questions. Just the question.

23 So you never said to anyone that "Your
24 behavior isn't ethical"; right?

25 A. (In English:) Let me think about it. 20:18

1 Q. Well, while you think about it, I'll ask
2 you another question.

3 You never talked to an executive about not
4 signing the side letter, did you?

5 A. (In English:) I told the person who gave 20:19
6 me the document, "I'm not going to sign," and then
7 they -- they didn't -- they didn't go after me
8 because they knew that I am not going to sign it.

9 Q. Are you sure you didn't sign this letter
10 because you wanted to be a part of the company and 20:19
11 this was part of the agreement?

12 A. (In English:) This is not part of
13 agreement. Look. Look. Chuck, see how fake the
14 signature is?

15 Q. It looks perfectly legitimate to me. 20:19

16 A. (In English:) I show you. Do you want me
17 to show you again how --

18 Q. No.

19 A. (In English:) These --

20 Q. I don't need to do that because you're not 20:19
21 a handwriting expert. Thank you.

22 All right. Let's keep moving.

23 A. (In English:) It's so dark.

24 MR. THOMPSON: What exhibit are we on?

25 36? 20:19

1 THE REPORTER: We are on 36.

2 MR. THOMPSON: All right. How much time
3 do I have left?

4 THE VIDEOGRAPHER: Approximately an hour,
5 but I can give you a more -- 20:20

6 MR. THOMPSON: No, no. That's fine.

7 All right. I don't think I can finish
8 this within the seven-hour time period. I'm going
9 to try.

10 All right. What did we say? 36? 20:20

11 THE REPORTER: 36, yes.

12 MR. THOMPSON: 36.

13 THE VIDEOGRAPHER: One hour, 7 minutes.

14 (Whereupon, Defendant's Exhibit 36 was
15 marked for identification.)

16 BY MR. THOMPSON:

17 Q. All right. 36 is the option agreement.

18 THE INTERPRETER: (Interpreting) --

19 MR. JUNG: Hold on one second.

20 So how much time do you think you need? 20:20

21 MR. THOMPSON: I don't know. I've got 20
22 more exhibits. I don't know. We've had long
23 unresponsive colloquies. We've got the
24 interpreter. I don't know, Charles.

25 MR. JUNG: Just tell me how long you need. 20:20

1 MR. THOMPSON: I don't know. I'm going as
2 fast as I can.

3 MR. JUNG: All right. Well, we are going
4 to stay here until we finish.

5 MR. THOMPSON: Okay. 20:21

6 MR. JUNG: But I'm not promising you --
7 I'm not promising you infinite time here.

8 MR. THOMPSON: I would never take infinite
9 time. I want to get home as much as everybody
10 else does. 20:21

11 All right. We'll plow on.

12 BY MR. THOMPSON:

13 Q. All right. This is the Notice of Stock
14 Option Award with a grant date of September 30,
15 2017. Do you recognize this document? 20:21

16 MR. JUNG: Answer that question.

17 And then why don't we take a break. We
18 have been going almost an hour and a half at this
19 point.

20 MR. THOMPSON: Okay. 20:21

21 THE INTERPRETER: (Interpreting.)

22 THE WITNESS: (In English:) Your -- your
23 question?

24 BY MR. THOMPSON:

25 Q. Do you recognize the document? 20:22

1 A. (In English:) I'm looking.

2 I -- I -- I think so.

3 MR. THOMPSON: Okay. Let me do, like,
4 three questions, and we'll finish with the
5 document and take a break. 20:22

6 BY MR. THOMPSON:

7 Q. Is this your handwriting on the front of
8 the document at page 34?

9 A. (In English:) I will say it looks mine,
10 but I'm not sure. 20:23

11 Q. Okay. And at page 36, is that your
12 signature?

13 A. (In English:) This is not my signature.

14 MR. THOMPSON: Do we have the original for
15 this document? 20:23

16 MR. JUNG: Hold on.

17 BY MR. THOMPSON:

18 Q. All right. I'll show you the original of
19 the document.

20 Is that your signature? 20:24

21 MR. JUNG: Could you show him the whole
22 document, please?

23 MR. GUZMAN: Be very careful. It's not
24 stapled.

25 THE WITNESS: (In English:) Thank you. 20:24

1 Can we get our document?

2 MR. JUNG: Well, let's take these one at a
3 time.

4 THE WITNESS: (In English:) All right.

5 This is not my signature. 20:24

6 BY MR. THOMPSON:

7 Q. How do you know it's not your signature?

8 A. (In English:) I know what my signature
9 look like. This is not my signature. It -- I
10 don't sign like this. 20:25

11 Q. Did you not -- that is your handwriting on
12 the front, though; correct?

13 A. (In English:) I think -- I think this
14 handwriting looks like mine, but this is
15 definite -- definitely not my signature. 20:25

16 Q. Did you sign that agreement?

17 A. (In English:) No, I -- no, I didn't sign
18 this agreement.

19 Q. Was there a reason you did not sign that
20 agreement? 20:25

21 A. (In English:) I told them there is an
22 arbitration clause in it, and arbitration clause
23 is --

24 I review this document. There was an
25 arbitration clause in it. Arbitration clause is a 20:25

1 big red flag for me. I was a finder -- I was a
2 founder of technology company. I knew that
3 arbitration clause is very, very favorable to an
4 employer, so I don't want to have arbitration
5 clause in any documents that I sign. 20:26

6 For the Tank -- the patent assignment
7 agreement, I think that's fine because I was -- I
8 was signing on behalf of Tank Exchange. It's a --
9 if there was any dispute, it's between two
10 companies. 20:26

11 But this one, it's share option. I don't
12 want the arbitration clause in it, so I did not
13 sign it. I told them that "After you remove some
14 clause in it, I will sign it." But I -- I did not
15 sign -- "I will sign it after you remove some 20:26
16 clauses in this agreement."

17 MR. JUNG: Hand them back that document
18 first.

19 THE WITNESS: (In English:) Oh, sorry.
20 Here you go. 20:27

21 BY MR. THOMPSON:

22 Q. Thank you.

23 A. (In English:) And I have this original
24 copy. This looks the same as yours, has Yiming
25 Zhang's signature. I have this exact same 20:27

1 document. It looks exactly the same. Yiming
2 Zhang, the CEO of ByteDance, sign it here.
3 This -- this document is -- I think it looks
4 exactly the same.

5 And then on the back side of second page, 20:27
6 Yiming Zhang's sign it.

7 And then on the third page -- I think
8 it's -- I don't know which page it is. On the
9 place which they claim there was my signature, it
10 was not signed. And then this is the original 20:28
11 document.

12 You want to see it?

13 MR. GUZMAN: You didn't let Mohammed
14 analyze that when we were here?

15 MR. JUNG: We did. 20:28

16 MR. GUZMAN: Oh, he did?

17 MR. DORENBAUM: No, not that.

18 BY MR. THOMPSON:

19 Q. Okay. All right. Could I see that,
20 please? 20:28

21 A. (In English:) Yeah. Go ahead.

22 Q. Thank you.

23 MR. JUNG: I think it's a good idea if you
24 separate those two, Chuck, if you don't have them
25 so close to each other and... 20:28

1 MR. THOMPSON: Good idea.

2 BY MR. THOMPSON:

3 Q. So on the one in my left hand, which you
4 just gave me, this is your writing on the front?

5 A. (In English:) I don't know whose writing 20:29
6 there.

7 Q. But you think this is your writing on the
8 one I showed you; right?

9 A. (In English:) It looks like mine.

10 Q. Okay. 20:29

11 A. (In English:) But I -- I'm not sure who
12 wrote it.

13 Q. And on this one, the one you gave me, the
14 name is "Yintao Yu," and on the one we have, it's
15 "Yintao 'Roger' Yu." 20:29

16 The one you gave me has an agreement for
17 the "Dispute Resolution and Arbitration
18 Procedures," as they both do.

19 The one in my left hand, the stamp is at a
20 different angle. 20:30

21 When did you obtain this copy that you
22 gave me?

23 A. (In English:) I think sometime in late
24 August or early September. They -- they told me
25 to sign. I said, "I cannot sign." 20:31

1 MR. THOMPSON: All right. Why don't we
2 take our break. Let me think about this and come
3 back to it.

4 Thank you, Charles.

5 THE INTERPRETER: (Interpreting.) 20:32

6 THE VIDEOGRAPHER: The time is 8:32 p.m.,
7 and we are off the record.

8 (Recess taken.)

9 (Whereupon, Defendant's Exhibit 37 was
10 marked for identification.) 20:52

11 MR. THOMPSON: We're back on the record.
12 We've marked as --

13 THE VIDEOGRAPHER: The time is
14 8:52 p.m. We are back on the record.

15 MR. THOMPSON: We marked as Exhibit 37 the 20:52
16 version of the stock agreement -- Stock Option
17 Award that plaintiff has produced without the
18 signature. And we've already looked at that off
19 the record.

20 So we can just move on to 38. 20:53

21 THE INTERPRETER: (Interpreting.)

22 (Whereupon, Defendant's Exhibit 38 was
23 marked for identification.)

24 BY MR. THOMPSON:

25 Q. All right. Exhibit Number 38 is the 20:53

1 Employee Confidentiality and Inventions Assignment
2 Agreement.

3 At Bates BDI_1973 -- that's 001973 -- is
4 that your signature, Mr. Yu?

5 A. (In English:) This is not my signature. 20:54

6 Q. At BDI_1974, the next page, there appears
7 to be a signature and a date of 8/30/2017.

8 Is that your signature?

9 A. (In English:) Tis is not my signature.

10 Q. Is that your writing, "8/30/2017"? 20:54

11 A. (In English:) It looks like my writing
12 for the date.

13 Q. And then at BDI_1975, there is a date of
14 "8/30/2017."

15 Is that in your writing? 20:55

16 A. (In English:) The -- are you talking
17 about 195- -- 1975?

18 Q. Yes.

19 A. (In English:) So on the -- on the -- at
20 the bottom, at the left side, there is a date, 20:55
21 August 30, 2017. This one looks my -- my
22 handwriting.

23 The signature is totally, totally so fake.

24 Q. That is not your signature, then?

25 A. (In English:) That's not my -- that's -- 20:55

1 that's not my signature. The three --

2 Q. Why do you -- why do you believe it is a
3 fake signature?

4 A. (In English:) So this ECIAA is a core
5 dispute in this case, and you see how fake this 20:56
6 signature is.

7 Look at, let's say, page number
8 BDI_001974. You see the date is black, but the
9 signature is gray. Around the signature here,
10 they are so many pixels, so many dots around 20:56
11 there. The date is so clear, no pixels, no
12 pixelating.

13 Same thing happened on the next page,
14 BDI_001975. The date is black, deep black;
15 signature is gray. Clearly, not the same pen. 20:56
16 There's so many pixels, pixelating around the
17 signature. There's, like, not connected, like,
18 dots around the signature, but the date is so
19 smooth, so -- so dark, so different from the
20 signature. 20:57

21 And the signature itself is way, way off.
22 It's so fake. It's -- whoever forged it is -- if
23 they want to forge it, they did a terrible job.
24 It's so fake.

25 Q. Did you see this agreement during the 20:57

1 onboarding process?

2 A. (In English:) No, I didn't.

3 Q. Did you ever see this agreement at any
4 time that you were at ByteDance?

5 A. (In English:) No, I didn't see -- I 20:58
6 didn't see this document when I was at ByteDance.

7 Q. So then you would have never signed it?

8 A. (In English:) Correct. They never asked
9 me to sign it. And it's so fake. The signature
10 itself is just gray, and date is black. You can 20:58
11 see it yourself.

12 Can you explain to me --

13 Q. Mr. Yu, we've been down that path --

14 MR. JUNG: Let's let him --

15 THE WITNESS: (In English:) Okay. 20:58

16 MR. JUNG: Let's let him ask questions.

17 MR. THOMPSON: Yeah.

18 THE WITNESS: (In English:) I mean, you
19 can see --

20 MR. JUNG: Let's -- 20:58

21 MR. THOMPSON: Mr yu --

22 THE WITNESS: (In English:) Yeah, okay.

23 MR. JUNG: Let's let him ask questions.

24 We're getting through this.

25 MR. THOMPSON: Thank you. 20:58

1 THE WITNESS: (In English:) All right.

2 All right. That's fine.

3 MR. THOMPSON: All right. Let's go to 39.

4 (Whereupon, Defendant's Exhibit 39 was

5 marked for identification.) 20:59

6 BY MR. THOMPSON:

7 Q. All right. Exhibit Number 39 is dated

8 9/1/2017, and it's from David Wang to

9 rogeryu@bytedance.com.

10 And do you recall receiving a copy of this 20:59

11 email?

12 A. (In English:) It appears to be an email

13 sent to me.

14 Q. Okay. And attached to that is a W-4 and

15 an I-9; is that right? 21:00

16 A. (In English:) Attachment for blank W-4

17 and a blank I-9.

18 Q. Okay. And so after you received this

19 email, did you then immediately fill out the W-4

20 and the I-9 and send it back to David Wang? 21:00

21 THE INTERPRETER: Could you repeat the

22 question again, please?

23 BY MR. THOMPSON:

24 Q. After you received this email, did you

25 then immediately fill out the W-4 and the I-9 and 21:00

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1 send it back to David Wang?

2 A. (In English:) I won't say immediately.
3 Maybe in a few weeks.

4 Q. Okay.

5 MR. THOMPSON: Let's go to 40. 21:01
6 (Whereupon, Defendant's Exhibit 40 was
7 marked for identification.)

8 BY MR. THOMPSON:

9 Q. This is a communication between you and
10 David Wang; is that correct? 21:01

11 A. (In English:) I'm looking at it.
12 It appears to be the case.

13 Q. All right. Do you remember having these
14 conversations with David Wang on this medium,
15 where he is requesting that you forward the 21:02
16 relevant information to enter into the payroll?

17 A. (In English:) There could be a
18 conversation, but I am not sure if that's the true
19 copy -- I mean the true conversation between me
20 and him. 21:03

21 Q. By "true conversation," you have an issue
22 with translation, or what's your concern?

23 A. (In English:) I mean the content.

24 Q. Okay. What about the content?

25 A. (In English:) I'm saying I cannot verify 21:03

1 that's the exact content, the exact communications
2 between me and him. I might had a conversation
3 with him, but what here, I -- I cannot -- I cannot
4 authenticate this is a true copy of the
5 conversation. 21:04

6 Q. I'm not asking you to do that.

7 Was Dave Wang, on around 9/20, trying to
8 get you to fill out your W-4?

9 A. (In English:) I'm not -- I'm not sure. I
10 don't recall the exact date. 21:04

11 Q. All right. Do you know if you provided
12 ByteDance with a W-4 by September 20th?

13 A. (In English:) I -- I probably gave him,
14 like, sometime in September or October, but I
15 don't know if it was on September 20. 21:05

16 Q. Okay. Let's take this from a slightly
17 different perspective.

18 During the time that you worked in the
19 United States for Facebook or whatever and while
20 you owned Tank Exchange, you were aware that in 21:05
21 order to be an employee in the United States, you
22 needed to execute a W-4 and an I-9; correct?

23 MR. JUNG: Calls for a legal conclusion.

24 THE WITNESS: (In English:) Yes. And we
25 finish on the Day One, complete it on the Day One, 21:05

1 or even before Day One.

2 BY MR. THOMPSON:

3 Q. So you provided them with an executed W-4
4 and I-9 on September 30th, which I believe you
5 said was -- or was it August 30th, your first 21:06
6 day --

7 A. (In English:) No --

8 Q. -- at ByteDance?

9 A. (In English:) You were asking me for
10 Facebook or Tank Exchange, how we -- what is the 21:06
11 practice for that. You were not asking about
12 ByteDance.

13 And then I -- my answer is --

14 Q. Well, maybe we're confused. Let me try to
15 fix that. Okay? 21:06

16 A. (In English:) My answer is to this
17 question, not for ByteDance; at company, do you
18 complete on Day One or even before Day One.

19 Q. Right. So what I was trying to do is
20 establish your knowledge that in order to work in 21:06
21 the United States, you have to have an executed
22 I-9 and W-4. Right? You knew that?

23 A. (In English:) Yeah, that is correct. But
24 ByteDance didn't follow HR procedures.

25 Q. It appears that David Wang was trying to 21:07

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1 get you to fill out a W-4 and an I-9, and you
2 weren't doing it.

3 Did you fill out a I-9 and a W-4 when they
4 first were presented to you by ByteDance?

5 A. (In English:) I believe I signed sometime 21:07
6 in September or October, but they were not --
7 like, they don't --

8 See, if this email, the BDI_001949, was
9 true, the date was on September 1st. That's two
10 days after my start date. So, I mean, a normal 21:08
11 company would complete it on August 30th, on the
12 first day.

13 Q. You have to complete them; correct?

14 A. (In English:) They -- they didn't ask me
15 to complete on August 30. 21:08

16 Q. When is the first day they asked you to
17 fill out an I-9 or a W-4?

18 A. (In English:) If BDI_001949 was true,
19 then it's September 1st, which was two days after
20 my start date. 21:08

21 Q. Okay. And so did you fill them out on
22 September 1st, when they asked you to?

23 A. (In English:) I didn't on that day. I
24 was -- I think I was busy. I think I sent it on
25 September -- in September or October for the I-9, 21:09

1 W-4.

2 Q. So you waited a month or two?

3 A. (In English:) One month or two months,
4 yes.

5 Q. And you understood you couldn't work in 21:09
6 the United States legally without an executed W-4
7 or I-9?

8 MR. JUNG: Calls for a legal conclusion.
9 Calls for speculation.

10 THE WITNESS: (In English:) My 21:09
11 understanding is, ByteDance doesn't care, so...

12 BY MR. THOMPSON:

13 Q. What was that understanding based on? Did
14 somebody tell you they didn't care at ByteDance?
15 And who was that person? 21:10

16 A. (In English:) I think I was confused that
17 they didn't ask me to sign I-9 and W-4 on the
18 first day, August 30. And they said, "It doesn't
19 matter. Let's deal with that later."

20 Q. Who said that? 21:10

21 A. (In English:) The -- the one who I did
22 with the -- I believe that's the one who did the
23 supplemental employment agreement, which we
24 sign -- I sign on August 30th, which my start --
25 which was my start date. 21:10

1 Q. And then on September 1st, somebody gave
2 you the I-9 and the W-4 to sign; correct?

3 A. (In English:) If the email -- again,
4 if -- I already answer it. Again, if the email on
5 BDI_001949 was true, then it was on September 1st 21:11
6 they asked me to sign the W-4 and I-9, which
7 wasn't signed on my first day, and they -- they
8 seem didn't care at all.

9 Q. Well, was the person that said that they
10 didn't care male or a female? 21:11

11 A. (In English:) I believe it -- it was a
12 female.

13 Q. And where was she?

14 A. (In English:) I don't know that person.
15 There was a -- it was a ByteDance employee. 21:11

16 Q. Some random employee said, "I don't care
17 if you fill out your I-9" that you can't identify?

18 MR. JUNG: Argumentative. Compound.

19 MR. THOMPSON: Sustained.

20 THE INTERPRETER: (Interpreting.) 21:12

21 THE WITNESS: (In English:) They don't
22 care. Why would I care?

23 And what I care is they should return my
24 supplemental employment agreement, which they
25 never did. And I sign it. I gave it to her. 21:12

1 They never returned it back to me.

2 MR. THOMPSON: Let's go with the next
3 exhibit. Let's just go with the next exhibit.

4 THE WITNESS: (In English:) They,
5 apparently -- 21:12

6 MR. JUNG: There's no question.

7 THE INTERPRETER: (Interpreting.)

8 MR. THOMPSON: 41.

9 (Whereupon, Defendant's Exhibit 41 was
10 marked for identification.) 21:13

11 BY MR. THOMPSON:

12 Q. Exhibit Number 41 is dated September 23,
13 2017. It's from David Wang, and it says (as
14 read):

15 "Roger, please complete the relevant 21:13
16 materials. According to the previous
17 communication, your personnel information
18 cannot be obtained in time for the salary
19 payment on September 25th, so it cannot be
20 distributed in the payroll cycle." 21:13

21 Do you recall getting this email?

22 A. (In English:) It -- it seems to be --
23 seems to be the email he sent.

24 Q. Okay. And did you respond by filling out
25 the relevant materials and returning them to David 21:14

1 Wang?

2 A. (In English:) First of all, I don't know
3 by this day, September 23rd, I already provided
4 the I-9, W-4. I actually -- it could be that I
5 already provided, but it just wasn't on time. 21:14

6 He didn't say -- he didn't complain. He
7 didn't say, "I didn't get it." He did say "on
8 time." Right? He said, "didn't get your
9 information on time."

10 So it could be, like, a cutoff for the 21:15
11 payroll. I don't --

12 Q. Hang on. You're not responding.

13 MR. THOMPSON: Let me just move to strike
14 that response.

15 BY MR. THOMPSON: 21:15

16 Q. My question was, did you respond to this
17 email by filling out the materials he requested?

18 A. (In English:) My -- so to answer your
19 question, you were just -- I think your
20 question -- your question assumes that the I-9 and 21:15
21 W-4 were not provided as of the date of this
22 email, September 23rd. That's why you ask, have I
23 replied back to him providing the I-9, W-4.

24 That's your position; right?

25 Q. Mr. Yu, I'll ask you the question again. 21:16

1 Did you respond to this email by providing
2 Mr. Wang with whatever he was requesting of you?
3 That's a "yes" or "no" response.

4 A. (In English:) It is not a "yes" or "no."
5 You -- you're just taking the assumption that I -- 21:16
6 that the I-9 and W-4 --

7 Q. Mr. Yu, let me --

8 MR. JUNG: Hold on just a second.

9 Just do the best you can. I know it's
10 a -- there is a fact assumed there, but just do 21:16
11 the best you can.

12 THE INTERPRETER: (Interpreting.)

13 THE WITNESS: (In English:) My -- my best
14 guess is on -- by September 23rd, I already
15 provided him W-4 or I-9. 21:16

16 So what -- this mail literally just said
17 that they missed the cutoff time for the payroll.

18 BY MR. THOMPSON:

19 Q. So your testimony is that you had provided
20 Dave Wang with both your W-4 and I-9 by 21:17
21 September 23rd?

22 A. (In English:) No, that -- give me my
23 declaration. I will give you --

24 I think you're just -- you
25 misunderstood -- you're distorting my declaration. 21:17

1 MR. THOMPSON: I'm sorry. I don't know
2 what he is talking about right now.

3 MR. JUNG: Do you want to show him his
4 declaration? I think he's thinking you're
5 misunderstanding. 21:17

6 THE WITNESS: (In English:) You're --
7 yeah. I need to see what you refer to I made the
8 statement or made a declaration. I need to see
9 it.

10 MR. JUNG: If he doesn't want to show it 21:17
11 to you, that's fine for now.

12 Let's just speed --

13 MR. THOMPSON: What is he talking about?

14 MR. JUNG: Let's just speed this up.

15 Try to -- 21:17

16 MR. THOMPSON: I don't -- Charles, I don't
17 know what he's talking about.

18 MR. JUNG: Try to answer as best you can
19 whatever question happens to be on the table,
20 whether you agree with it or not. If you can 21:17
21 understand it, try your best to answer.

22 THE INTERPRETER: (Interpreting.)

23 BY MR. THOMPSON:

24 Q. Mr. Yu, what are you talking about, your
25 declaration? I don't know what you mean. 21:18

1 MR. JUNG: Okay. Well, why don't you
2 just go to your -- hold on a second.

3 No need to argue between the two of you.
4 Just ask your question. What's your -- what's
5 your substantive question? 21:18

6 MR. THOMPSON: So now my question is, what
7 is he talking about about his declaration? What
8 declaration?

9 THE WITNESS: (In English:) You were
10 saying I made a declaration. So can you just 21:18
11 repeat your question -- repeat your question?

12 BY MR. THOMPSON:

13 Q. Okay. Okay. My question is, are you
14 telling me that you provided Dave Wang with both
15 your I-9 and your W-4 by September 23rd? 21:18

16 A. (In English:) I think very likely that's
17 the case.

18 But ByteDance is very strange. Like,
19 although I provide it -- and back in December,
20 Selene Gao, Jingjing Lu, they ask me again. They 21:19
21 saying, like, "The I-9 is not completed. I-9 was
22 not completed. You need to sign I-9 again."

23 And then I did it again in December, and
24 then they were fine with that.

25 So I told -- I told -- 21:19

1 MR. JUNG: Let's leave it at that.

2 THE WITNESS: (In English:) Okay. Yeah.

3 MR. JUNG: Let's leave it at that and --

4 THE WITNESS: (In English:) Okay.

5 MR. JUNG: -- move to the next question. 21:19

6 MR. THOMPSON: Give me the next exhibit,
7 42, please. Thank you.

8 (Whereupon, Defendant's Exhibit 42 was
9 marked for identification.)

10 BY MR. THOMPSON: 21:20

11 Q. Exhibit Number 42 starts out with a date
12 of 12/18/2017. It is from Jingjing Lu --
13 J-i-n-g-j-i-n-g, new word L-u -- to David Wang on
14 the top of it.

15 And then the next entry down is from 21:20
16 Jingjing to you, dated 12/18/2017, and it says (as
17 read):

18 "Hi, Roger. It's been another month
19 since my last email of November 17th to
20 ask you for your green card copy to 21:20
21 complete I-9. And I've pushed this for
22 more than ten times -- please see below
23 screenshot -- and still couldn't get reply
24 until today. Please make sure to send me
25 your green card copies by this week, 21:21

1 December 22nd. Thanks for your
2 cooperation."

3 Did you provide BDI with an I-9 prior to
4 December of 2018?

5 I'm sorry. I made an error there. I was 21:22
6 looking at the email wrong.

7 Same question, only December of 2017.

8 A. (In English:) By what date?

9 Q. 12/18/2017.

10 A. (In English:) Your question is if I send 21:23
11 I-9 and W-4 to Jingjing Lu?

12 Q. No. Just I-9. I-9 and green card.

13 A. (In English:) I-9 -- have I sent I-9 to
14 ByteDance by December 18th?

15 Q. Yes. 21:23

16 A. (In English:) Yeah. I sent it to -- I
17 send to Dave -- to this person, Wang Xiaodong,
18 Dave Wang. But they -- they -- obviously, they
19 keep -- kept bugging me. They could get it from
20 Dave Wang, but they bugging me to do the I-9 21:23
21 again.

22 THE INTERPRETER: Wang Xiaodong is Dave
23 Wang?

24 THE WITNESS: (In English to Interpreter:)
25 Xiaodong is Dave Wang. 21:23

1 THE INTERPRETER: X-i-a-o-d-o-n-g?

2 THE WITNESS: (In English to Interpreter:)

3 X-i-a-o-d-o-n-g.

4 THE INTERPRETER: W-a-n-g?

5 THE WITNESS: (In English to Interpreter:) 21:23

6 W-a-n-g.

7 (In English to Mr. Thompson:) I did it in

8 September or October, but more likely, September.

9 But they are bugging me again in December, which

10 is -- their -- their HR practice is a disaster. 21:24

11 MR. THOMPSON: Go off the record for a

12 second.

13 THE VIDEOGRAPHER: Time is 9:24 p.m., and

14 we are off the record.

15 (Off the record.) 21:28

16 THE VIDEOGRAPHER: Time is 9:28 p.m., and

17 we are back on the record.

18 BY MR. THOMPSON:

19 Q. Mr. Yu, do you have a memory of filling
20 out part of your I-9 and the BDI staff requesting 21:28
21 that you fill in the expiration date of your I-9
22 and other items on that document at a later date
23 because it was incomplete?

24 A. (In English:) What do you mean by

25 "expiration"? 21:29

1 Q. There is probably an expiration date on
2 your green card. Correct?

3 A. (In English:) I -- I believe so.

4 Q. Okay. And do you recall BDI staff asking
5 you for that expiration date and/or the number on 21:29
6 your green card?

7 A. (In English:) I -- I think they wanted
8 to -- they want to get a photocopy of the green
9 card, but I don't think they specifically -- I
10 don't want to make that claim. 21:30

11 But I remember -- all I remember is they
12 were -- they wanted to see -- they want to make a
13 photocopy entire of the green card.

14 But I show them. I show them. They --
15 they already knew the expiration. They asked 21:30
16 me for -- they asking for a copy of it.

17 Q. Did they tell you they needed a copy of it
18 to comply with the law?

19 A. (In English:) They claim -- I think they
20 probably claim that way, but I told them that 21:30
21 that's -- that that was not the case; "As long as
22 you see it, you verify it, that's all you need.
23 You don't need to do a -- you don't need to -- you
24 don't get to -- you are not entitled to get an
25 entire copy of my green card." 21:31

1 That's what I told them.

2 Q. And "they," meaning HR, were persistent
3 that they needed information off that green card
4 that you were not providing them until December of
5 2017; is that correct? 21:31

6 A. (In English:) I don't -- I think you are
7 trying to say they...

8 Can you please repeat your question?

9 Q. Sure. Let's try this a different way.

10 MR. THOMPSON: Can I have Exhibit 43.

11 (Whereupon, Defendant's Exhibit 43 was
12 marked for identification.)

13 BY MR. THOMPSON:

14 Q. Okay. Exhibit Number 43 has a text in it
15 to you that says (as read): 21:32

16 "You're in Silicon Valley; right?

17 Please send me and Jingjing a copy of both
18 sides of the green card. We checked with
19 the legal department. Failure to complete
20 I-9 for such a long period of time after 21:32
21 onboarding requires a termination of
22 work."

23 Do you remember getting that text from
24 Selene Gao?

25 A. (In English:) She probably said it. 21:33

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1 But I'm not sure if that -- that is the
2 real -- a true message that she deliver. She
3 might have said it, but I don't -- I cannot
4 authenticate. I don't know if she actually said
5 it. 21:34

6 Q. My question was, do you remember getting
7 the text, the alert that you still had not fully
8 completed your I-9 and that it could result in a
9 termination of work?

10 A. (In English:) I don't recall she said it, 21:34
11 but she probably -- I'm -- by looking at it, she
12 probably said it. So it's more likely she said it
13 than she didn't said it.

14 Q. Okay.

15 MR. THOMPSON: Can I have 56. 21:35
16 I'm going to mark one out of order. It's
17 going to be 56.

18 (Whereupon, Defendant's Exhibit 56 was
19 marked for identification.)

20 BY MR. THOMPSON: 21:35

21 Q. Is this a true and correct copy of your
22 green card?

23 A. (In English:) It looks so.

24 Q. Okay. Is this your writing on the -- it
25 looks like a pink sticky note that says (as read): 21:35

1 "For ByteDance/Flipagram new hire
2 November 2017."

3 A. (In English:) It -- it looks like my
4 handwriting.

5 Q. Okay. And is that pink -- it looks 21:36
6 pink -- Post-it or whatever it is covering up some
7 information on your green card?

8 A. (In English:) It appears so. But I
9 already show ByteDance. I -- I show them the --
10 the actual green card, the entire thing, before 21:36
11 this date, November 2017. I show them either in
12 September or October, but I already show them.

13 Q. Who did you show it to?

14 A. (In English:) I believe I show it to Dave
15 Wang. 21:36

16 Q. Okay. And what information did you cover
17 up there?

18 A. (In English:) I -- I don't know. It
19 could be what he said, expiration, but they
20 already know my expiration because I -- I show the 21:37
21 actual card to Dave Wang and probably someone else
22 in September, October already. They knew my card
23 expiration.

24 And I don't think they get to copy
25 an unredacted version of my green card. They are 21:37

1 not entitled to do that.

2 Regardless, they requested, and I give
3 them this version, and that's what they requested.

4 Q. Did they -- well, who is "they"? Who are
5 you referring to as "they"? 21:37

6 A. (In English:) It could be -- let me see
7 the Jingjing Lu.

8 It could be Jingjing Lu. It could be
9 Selene Gao. So... ByteDance HR person.

10 I think most likely -- I'm seeing an email 21:38
11 on November 15th from Jingjing Lu saying you want
12 me to provide the green card copy.

13 So everything else had been provided
14 already, like the I-9, W-4. It was provided
15 already, like, long time ago, in September or 21:38
16 October.

17 But in November 15th, she was asking
18 again, and she said she needs a copy of the green
19 card. So I think most likely around that time,
20 around November 15th, I provide it. 21:39

21 So that's -- it should be Jingjing Lu. So
22 that -- that answer your question. Most likely,
23 Jingjing Lu.

24 But I -- when I provide it, I told them
25 that, "You are not entitled to an unredacted 21:39

1 version of my green card" and --

2 Q. I understand that's your testimony.

3 What was the basis for that belief? Did
4 you Google it or Google California law on whether
5 or not you had to produce a copy of your green 21:39
6 card? How did you -- what was the basis for that
7 belief?

8 MR. JUNG: And I caution you, to the
9 extent that it calls for disclosure of
10 communication with an attorney, don't answer that. 21:40

11 THE WITNESS: (In English:) Privileged.

12 But I made it clear that you are not
13 entitled to the green card. I will show you. You
14 can see it. And by doing that, I already
15 completed my legal obligation. 21:40

16 BY MR. THOMPSON:

17 Q. Well, my question is, what's the basis for
18 your belief that by showing someone the green
19 card, you had completed your obligation under
20 California law? 21:40

21 A. (In English:) I told you it's privileged.
22 Attorney had told me.

23 Q. Who was the attorney?

24 MR. JUNG: No. No. That's -- that's
25 privileged. 21:41

1 Don't -- don't answer that.

2 And I'll -- and I'm going to move to
3 strike that prior answer as privileged.

4 MR. THOMPSON: It's not an attorney-client
5 communication. And what standing would you have 21:41
6 to assert that as of 2017? I'm really confused.

7 MR. JUNG: What does the date --

8 MR. THOMPSON: Just help me out.

9 MR. JUNG: What does the date matter?

10 So if you learned -- 21:41

11 MR. THOMPSON: Just help me out.

12 MR. JUNG: So if you learned it from an
13 attorney --

14 If he learned it from an attorney, what
15 does standing matter? He's the one who holds the 21:41
16 privilege.

17 MR. THOMPSON: Okay. So I can live with a
18 that.

19 BY MR. THOMPSON:

20 Q. So it's your testimony, just to make a 21:41
21 clean record, that you checked with an attorney in
22 2017 about producing a copy of your green card in
23 California to ByteDance, and that attorney said
24 you don't have to do it?

25 MR. JUNG: Hold on a second. Did you just 21:42

1 ask specifically what an attorney said to him?

2 No, that's privileged.

3 Don't answer that.

4 MR. THOMPSON: Hang on. I know.

5 Well, the record is already made. Okay. 21:42

6 All right. But you're instructing him not
7 to give me the identity of the lawyer that he
8 might have checked with; correct?

9 MR. JUNG: What -- no. Your question
10 was -- your question was, "It's your testimony 21:42
11 that you checked with an attorney about producing
12 a copy of your green card, and that attorney said
13 you don't have to do that?"

14 That is an attorney-client communication.
15 It doesn't matter whether you think that's 2017. 21:43
16 There's no -- there's no time bar, as far as I'm
17 aware, of an attorney-client privilege. He's the
18 holder of the privilege. He gets to assert it at
19 any time. I'm his attorney now, and I'm asserting
20 it on his behalf. 21:43

21 MR. THOMPSON: I understand that. My
22 question was just, who was the attorney that gave
23 him that information?

24 MR. JUNG: And let me also ask you this:
25 So what's the -- what's the relevance of this? 21:43

1 How does the identity of an attorney who may have
2 given him information -- how does that make any
3 claim more or less likely or any affirmative
4 defense more or less likely?

5 MR. THOMPSON: Give me a second on that, 21:43
6 and I'll ask another question.

7 BY MR. THOMPSON:

8 Q. Let me assume that what you say is correct
9 and you did show your green card to someone at
10 BDI. When did that happen? When was the first 21:44
11 time you did that?

12 A. (In English:) Again, it's in September,
13 October, that period when I provided the I-9 and
14 W-4.

15 It looks -- the date on this document, it 21:44
16 said September 27th. If that is true, it's
17 probably around that date, late September, early
18 October, around that time I provided I-9. I show
19 them the green card. And then -- but that's --
20 that's the China side of the HR. 21:45

21 But their HR did not follow procedures.
22 First of all, they didn't ask the I-9 or W-4 on
23 the first date.

24 I showed the -- my green card to the China
25 side of the HR of ByteDance, and then the U.S. 21:45

1 side -- Jingjing Lu is U.S. based. Jingjing Lu is
2 just asking again. So...

3 MR. JUNG: Let's wait for a question.

4 BY MR. THOMPSON:

5 Q. Okay. So when they ask again in October 21:45
6 and November and December repeatedly, why didn't
7 you just provide them with whatever they were
8 looking for immediately?

9 A. (In English:) They did? When? Show me.
10 I only see November 15th. 21:46

11 Q. There are texts in Exhibit --

12 A. (In English:) I see December. I see
13 November. I don't see it in October. Where is
14 October?

15 Q. In Exhibit 43 -- 21:46

16 A. (In English:) But even if they ask, I put
17 it this way: The China side of it already saw it.
18 Why would they ask again? It's stupid.

19 Q. Maybe they are stupid. But if they asked
20 you for it again, why wouldn't you just give it to 21:46
21 them? What's the issue?

22 A. (In English:) That's why I give them. I
23 give them November. There's a date on it.
24 November, I gave them.

25 Q. Okay. But you covered up some of the 21:46

1 information that they might have needed.

2 MR. JUNG: Look, Mr. Thompson, the exhibit
3 says what it says. You have the testimony.

4 MR. THOMPSON: Fair enough. Fair enough.

5 MR. JUNG: This is of marginal relevance, 21:47
6 if any.

7 MR. THOMPSON: Fair enough. We'll move
8 on.

9 MR. JUNG: And I'll note we're already
10 past seven hours -- 21:47

11 MR. THOMPSON: I'm moving on.

12 MR. JUNG: -- so let's please hurry up.

13 MR. THOMPSON: All right. Did you provide
14 us with the identity of the anonymous declarant?

15 MR. JUNG: We have reached -- so if you 21:47
16 asked -- you can ask here, but he's -- for the
17 name, he's going to require an information source
18 that we disclosed in court. And that call was
19 made immediately, but we haven't received that
20 call back, so we ask for your indulgence on that. 21:47

21 But feel free to ask and get the answer
22 from your -- for yourself.

23 MR. THOMPSON: Sure.

24 BY MR. THOMPSON:

25 Q. Mr. Yu, who was the person in the 21:47

1 document, the -- we refer to him as the anonymous
2 declarant? Do you know who that person is?

3 A. (In English:) I don't -- I don't have the
4 name on top of my head. I have to go back and
5 check. But I can get back to you. 21:48

6 Q. All right. So you have made the
7 inquiry -- inquiry of someone to find out the name
8 of that person?

9 MR. JUNG: Or he's had someone do that for
10 him, which is us. 21:48

11 MR. THOMPSON: Okay. And what is the
12 reasonable expectation on the turnaround for that?

13 MR. JUNG: I mean, we just need to wait
14 for a call back. We'll place another call on
15 Monday. 21:48

16 MR. THOMPSON: Okay.

17 MR. DORENBAUM: I mean, I --

18 Can I just --

19 MR. JUNG: Sure.

20 MR. DORENBAUM: Yeah, so it's former 21:48
21 counsel. And, typically, he calls me back -- when
22 I've had to reach out to him, he typically calls
23 me back within a couple of days. You know, the
24 next day is pretty normal for him to call me back.
25 Today is Friday, so, you know, I would assume that 21:49

1 I would get a call back on Monday. But I'll try
2 again.

3 MR. THOMPSON: Okay.

4 MR. DORENBAUM: And in the meantime, if we
5 find the source of the information -- 21:49

6 MR. THOMPSON: You'll provide it?

7 MR. DORENBAUM: Yeah --

8 MR. THOMPSON: Very good.

9 MR. DORENBAUM: Obviously.

10 MR. THOMPSON: Thank you. 21:49

11 All right. Let's go to 44. Let's try
12 to --

13 THE WITNESS: (In English:) Mr. Thompson?

14 MR. THOMPSON: Yes?

15 THE WITNESS: (In English:) These -- what 21:50
16 are these checkmarks from, is document?

17 MR. THOMPSON: Let's mark Exhibit 44.

18 THE WITNESS: (In English:) What are the
19 checkmarks for, this BDI -- these checkmarks?

20 MR. THOMPSON: As I sit here today, I 21:50
21 don't know.

22 THE WITNESS: (In English:) Are these
23 real, unmodified?

24 MR. THOMPSON: I'm sure they're real.

25 MR. GUZMAN: We produced metadata. 21:50

1 THE WITNESS: (In English:) You are sure
2 all these document --

3 MR. THOMPSON: Yes. We produced metadata.
4 Yes, we're sure they're real.

5 THE WITNESS: (In English:) You're sure 21:50
6 they're real?

7 MR. JUNG: Hey, let's --

8 THE WITNESS: (In English:) What if --

9 MR. THOMPSON: Mr. Yu, this is my
10 deposition. I ask the questions. 21:50

11 THE WITNESS: (In English:) Okay. All
12 right. I have your word --

13 MR. THOMPSON: Your lawyer can ask
14 questions of my people.

15 THE WITNESS: (In English:) Okay. I have 21:50
16 your word that these are real.

17 MR. JUNG: Let's just go to the next
18 question.

19 THE WITNESS: (In English:) Okay.

20 (Whereupon, Defendant's Exhibit 44 was 21:50
21 marked for identification.)

22 BY MR. THOMPSON:

23 Q. Okay. Mr. Yu, we've marked as Exhibit
24 Number 44 your Declaration in Support of
25 Opposition to Motion for Relief From Stay. 21:51

1 My question is, is that your signature on
2 the last page?

3 A. (In English:) That is not my signature.

4 THE VIDEOGRAPHER: I apologize, but I
5 believe my equipment is overheating. It's cutting 21:52
6 out every once in a while. Before, it was just
7 cutting out when she was speaking, but now it's
8 starting to cut out when the witness is speaking,
9 too.

10 MR. JUNG: What about the written 21:52
11 transcript? Are we good on that?

12 THE REPORTER: We're good on that.

13 MR. JUNG: I suggest we finish this out.

14 MR. THOMPSON: Let's chug along, yeah.

15 THE WITNESS: (In English:) The red dot 21:52
16 is still on.

17 MR. JUNG: Let's just let him ask.

18 BY MR. THOMPSON:

19 Q. So you did not sign the document?

20 MR. JUNG: Asked and answered. 21:52

21 THE WITNESS: (In English:) I don't have
22 any to add on top of what I already answered.

23 BY MR. THOMPSON:

24 Q. Were Arasto Farsad and Nancy Weng your
25 lawyers? 21:53

1 A. (In English:) No. This is not my
2 attorney.

3 Q. They are not your lawyers?

4 A. (In English:) No.

5 Q. Never were? 21:53

6 A. (In English:) No.

7 Q. Are you concerned someone has stolen your
8 identity, that -- that this here is a different Y.
9 Roger Yu?

10 A. (In English:) Based on this document -- 21:54
11 I -- I don't want to speculate. I think your
12 question is asking me to speculate.

13 Q. Have you ever seen this declaration
14 before?

15 A. (In English:) I've seen it after you put 21:54
16 it in this case, which is irrelevant.

17 Q. But that's the first time?

18 A. (In English:) Correct.

19 Q. And you did not request or cause these
20 attorneys to file an Opposition to a Motion for 21:54
21 Relief From Stay?

22 A. (In English:) This is not my filing. Why
23 would you ask?

24 Q. Do you know if Ben Yu might have hired
25 these lawyers to file this declaration on your 21:55

1 behalf?

2 A. (In English:) I -- I don't want to
3 speculate.

4 Q. Have you ever talked to Ben Yu about the
5 filing of any bankruptcy documents or relief from 21:56
6 stays in 2023 or 2024?

7 A. (In English:) Not that I could recall.

8 Q. And if these aren't your attorneys, you
9 wouldn't object to us contacting them, would you?

10 A. (In English:) Why -- why would you ask? 21:57

11 Q. Well, this case is all about signatures.
12 This has a document with what we thought was your
13 signature on it. It's filed under your name on
14 your behalf.

15 But my question is just, if they're not 21:57
16 your lawyers, you don't care if we contact them;
17 right?

18 MR. JUNG: That calls for a legal
19 conclusion. You can ask the lawyers in this case
20 that question. 21:57

21 BY MR. THOMPSON:

22 Q. You can answer it, sir.

23 A. (In English:) This case is irrelevant
24 to -- I mean, this case is irrelevant to the case
25 about the formation of the documents. So I don't 21:58

1 see why would you do that. It's irrelevant.

2 Q. You understand you're testifying under
3 penalty of perjury, sir?

4 Yes?

5 A. (In English:) Yeah. 21:58

6 Q. And you're telling me this is not your
7 filing and not your signature?

8 A. (In English:) Look at this. This is not
9 my signature, and this is not my filing.

10 Q. And you did not hire these attorneys? 21:59

11 A. (In English:) I did not.

12 Q. Okay. And you've never talked to them?

13 A. (In English:) No.

14 Q. Okay.

15 MR. THOMPSON: Let's go to 45. 21:59

16 (Whereupon, Defendant's Exhibit 45 was
17 marked for identification.)

18 BY MR. THOMPSON:

19 Q. Okay. This should be quick and easy.

20 This is Declaration of Yintao Yu in 22:00
21 Support of Opposition to Defendant's Motion to
22 Compel Arbitration and Stay Proceedings.

23 My only question is, is that your
24 signature on page 2 of the document?

25 A. (In English:) That is my signature. 22:00

1 MR. THOMPSON: Okay. Let's go to the next
2 document, 46.

3 (Whereupon, Defendant's Exhibit 46 was
4 marked for identification.)

5 BY MR. THOMPSON: 22:00

6 Q. Exhibit Number 46 is Declaration of Yintao
7 Yu in Support of Plaintiff's Motion for Temporary
8 Stay.

9 My question is, is that your signature on
10 page 2 of the document? 22:01

11 A. (In English:) This is my signature.

12 MR. JUNG: Counsel, I'll observe that I
13 don't think these questions require deposition
14 time. In other words, you could easily serve a
15 special interrogatory on these topics. 22:02

16 I'm assuming you still have some left.

17 MR. THOMPSON: We're getting pretty close.
18 I'm not going to need that.

19 47.

20 (Whereupon, Defendant's Exhibit 47 was 22:02
21 marked for identification.)

22 BY MR. THOMPSON:

23 Q. All right. This is another Declaration in
24 Support of Plaintiff's Motion -- I'm sorry. It's
25 a Declaration of Yintao Yu in Support of Plaintiff 22:02

1 Yintao Yu's Opposition to Defendants' Motion to
2 Compel Arbitration.

3 My question is, is that your signature on
4 page 2?

5 A. (In English:) This is my signature. 22:03

6 Q. Thank you.

7 MR. THOMPSON: This is 48.

8 (Whereupon, Defendant's Exhibit 48 was
9 marked for identification.)

10 BY MR. THOMPSON: 22:03

11 Q. Okay. This is Declaration of Yintao Yu in
12 Support of Plaintiff's Sur-Reply dated December 1,
13 2023.

14 On page 2, is that your signature?

15 A. (In English:) It is my signature. 22:04

16 Q. Okay. Turn back to page 1, please,
17 Number 7.

18 Go ahead and read Number 7 for the record,
19 please.

20 A. (In English:) You want me to read? 22:04

21 Q. Yeah.

22 MR. JUNG: Is this the highlighting?

23 MR. THOMPSON: Yeah.

24 MR. JUNG: Can I have -- can I have an
25 offer as to whether this is an original, or what 22:04

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1 is this? Is this under seal, or what is this?

2 MR. GUZMAN: This is supplemental
3 highlighting from us of a declaration you filed
4 not under seal.

5 BY MR. THOMPSON: 22:05

6 Q. Go ahead and just read it.

7 A. (In English:) (As read):

8 "The next day I worked with Jingjing
9 Lu, who was Ms. Gao's direct report in
10 ByteDance's HR department, to fill out the 22:05
11 Form I-9, I recall I signed on page 1 of
12 the Form I-9 and dated it December 28, and
13 Ms. Lu then immediately signed on the next
14 page of the Form I-9 on page 2 and dated
15 her signature December 28, 2017." 22:05

16 MR. THOMPSON: Okay. Thank you. Let's go
17 to 49.

18 MR. JUNG: Do you have any questions on
19 that, or did you want his explanation, or --

20 MR. THOMPSON: Nope. 22:05

21 MR. JUNG: You just wanted him to read out
22 loud?

23 MR. THOMPSON: Yeah.

24 MR. JUNG: Something you are not entitled
25 to do. 22:05

1 THE WITNESS: (In English:) That's not a
2 question.

3 (Whereupon, Defendant's Exhibit 49 was
4 marked for identification.)

5 THE REPORTER: 49. 22:06

6 MR. JUNG: Move to strike the last
7 question and answer by Mr. Thompson and the answer
8 by Yintao Yu.

9 BY MR. THOMPSON:

10 Q. Exhibit 49 is your Declaration in Support 22:06
11 of Plaintiff's Supplemental Opening Brief in
12 Response to Order for Further Briefing.

13 And the question is, is that your
14 signature on page 2?

15 A. (In English:) This is my signature. 22:06

16 MR. THOMPSON: Okay. Thank you.

17 Let's go to 50.

18 (Whereupon, Defendant's Exhibit 50 was
19 marked for identification.)

20 BY MR. THOMPSON: 22:07

21 Q. All right. Number 50, Declaration of
22 Yintao Yu in Support of Plaintiff's Response to
23 Defendants' Statement of Discovery Dispute.

24 On page 2, is that your signature?

25 A. (In English:) This is my signature. 22:08

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1 MR. THOMPSON: 51. Thank you.

2 (Whereupon, Defendant's Exhibit 51 was
3 marked for identification.)

4 BY MR. THOMPSON:

5 Q. 51 is a Declaration of Yintao Yu in 22:08
6 Support of Plaintiff/Counter-Defendant Yintao Yu's
7 Motion for Leave to File a Motion for
8 Reconsideration of Order for Discovery.

9 And is that your signature on page 2 of
10 this document? 22:08

11 A. (In English:) This is my signature.

12 (Whereupon, Defendant's Exhibit 52 was
13 marked for identification.)

14 BY MR. THOMPSON:

15 Q. All right. Number 52 are discovery 22:09
16 responses, Plaintiff/Counter-Defendant Yintao Yu's
17 Response and Objections to ByteDance's
18 Interrogatories, Set One.

19 And at page 17, you signed a Verification
20 dated April 15, 2024. Is that your signature, 22:10
21 sir?

22 A. (In English:) This is my signature.

23 Q. And before you verified these responses,
24 did you read through them to make sure they were
25 true and correct? 22:10

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1 A. (In English:) Correct.

2 Q. In response -- and I'll make this very
3 quick.

4 In response to Interrogatory Number 7, you
5 indicated that you had an iPhone that you 22:11
6 communicated with BDI on. Was that --

7 (Clarification requested by Reporter.)

8 MR. THOMPSON: Can you read back what
9 you --

10 (Record read by the court reporter.)

11 BY MR. THOMPSON:

12 Q. My question is just, was it an iPhone?

13 A. (In English:) I believe so.

14 Q. All right. Did you destroy or sell or
15 give away the iPhone? 22:12

16 A. (In English:) No. This iPhone, I -- I
17 still have it. It was wiped.

18 Q. When did you wipe it?

19 A. (In English:) I -- I wipe it around
20 November 2018, when ByteDance terminated me. 22:12

21 Q. Why?

22 A. (In English:) Because I was -- I was -- I
23 had a concern that BDI using the -- the apps or
24 some -- something on the phone to monitor, to --
25 to track, which -- which ByteDance did to some -- 22:13

1 many people.

2 Q. To physically track you?

3 A. (In English:) Track the location, for
4 example.

5 Q. Okay. And were you concerned that the app 22:13
6 on your phone -- well, strike that.

7 What app was on your phone that you were
8 concerned would track you?

9 A. (In English:) BDI's own app, Lark.

10 Q. Lark, L-a-r-k? 22:14

11 A. (In English:) L-a-r-k, Lark. And there's
12 some, like, BDI-owned apps.

13 Q. So you had multiple apps on your iPhone
14 that were BDI apps?

15 A. (In English:) Yes. 22:14

16 Q. Okay. And after you left the company, you
17 wiped your phone because you were concerned about
18 them physically tracking you? Did you have any
19 other concerns about the apps?

20 A. (In English:) The concern is they -- they 22:14
21 would use their apps to track me.

22 The other concern is they could use they
23 apps -- their apps to, for example, getting the
24 documents out of -- files out of -- on the phone.

25 So they can getting other information on the 22:15

1 phone --

2 Q. Did you --

3 A. (In English:) -- which they could.

4 Q. I'm sorry.

5 A. (In English:) -- which they could. 22:15

6 Q. Did you keep sensitive information on your
7 phone that you were concerned that BDI would get
8 or have?

9 A. (In English:) It's just privacy. I don't
10 want ByteDance to -- to getting the documents or 22:15
11 information on -- on the phone which they are not
12 supposed to get.

13 Q. Okay. Can you give me your best estimate
14 when you first spoke with or consulted with a
15 lawyer about BDI after separating with BDI? I'm 22:15
16 just looking for a date.

17 A. (In English:) It -- it -- I think -- I
18 think you should take a look at the -- my
19 Complaint to the DFEH. It's around that time.

20 Q. Okay. And you were issued a BDI laptop; 22:16
21 correct?

22 A. (In English:) Yes.

23 Q. And what happened to that device?

24 A. (In English:) I -- I couldn't find that
25 laptop. 22:16

1 Q. You lost it?

2 A. (In English:) I -- I couldn't find it.

3 That's -- I want to be accurate.

4 Q. Okay. When could you not find it? When
5 did you look for it that you couldn't find it? 22:17

6 A. (In English:) So the last time I saw it
7 was around 2018.

8 Q. Okay. Did you ever tell Selene Gao in
9 October of 2018 that you had already talked to a
10 law firm that had sued IBM? 22:17

11 A. (In English:) I -- I don't recall that
12 conversation. When was that? Can you give me the
13 date in time?

14 Q. October 2018.

15 A. (In English:) And how did I tell her? 22:18

16 Q. You said something to the effect that you
17 had already consulted with lawyers who had sued
18 IBM. And it was in front of Angela Ke also, K-e.

19 A. (In English:) That was in person or --

20 Q. Yeah. 22:18

21 A. (In English:) -- phone call?

22 I don't -- I don't recall I said that.

23 Q. Okay. We sent a request to you for -- for
24 the laptop and the cell phone, et cetera. Have
25 you done a search in the last year, year and a 22:19

1 half for the BDI laptop?

2 A. (In English:) Yeah. Yeah, I did.

3 Q. Okay. And do you recall BDI requesting
4 that you return that laptop to them upon
5 termination? 22:19

6 A. (In English:) When and who?

7 Q. My question is, did you have an
8 understanding that that was not your laptop and
9 you were supposed to give it back when you were
10 terminated? 22:20

11 A. (In English:) I didn't recall they --
12 they made such request.

13 Q. You understood it was not your laptop;
14 right?

15 A. (In English:) I -- yeah, I -- I 22:20
16 understand it was a BDI-issued laptop.

17 Q. And all of the information on that laptop
18 belonged to BDI; right?

19 A. (In English:) I will say yes.

20 Q. Okay. So why don't you give it back to 22:20
21 them when you were terminated?

22 A. (In English:) I -- I -- like I said, I
23 couldn't locate the laptop.

24 Q. So at the time you were terminated, you
25 couldn't find the laptop? 22:21

1 A. (In English:) Correct.

2 MR. THOMPSON: Okay. Could I have -- what
3 am I next? 53?

4 Thank you.

5 (Whereupon, Defendant's Exhibit 53 was 22:21
6 marked for identification.)

7 MR. GUZMAN: Third to last.

8 MR. JUNG: Last exhibit?

9 MR. GUZMAN: Third to last.

10 MR. THOMPSON: Third to the last, maybe 22:21
11 fourth.

12 BY MR. THOMPSON:

13 Q. Okay. Exhibit Number 53, Plaintiff's/
14 Counter-Defendant's Supplemental Responses and
15 Objections to ByteDance's Interrogatories, Set 22:21
16 Number One.

17 And it should be your Verification at the
18 last page.

19 Nope. Page 16. I'm sorry.

20 Is that your signature? 22:22

21 A. (In English:) This is my signature.

22 Q. And where was that signature executed?

23 A. (In English:) In California.

24 Q. And before you signed this Verification,
25 did you go over the discovery and make sure that 22:22

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1 the responses were true and correct?

2 A. (In English:) Correct.

3 Q. And you gave full and complete responses
4 to all of the questions; correct?

5 A. (In English:) To the best -- to the best 22:23
6 of my -- my knowledge at that time.

7 MR. THOMPSON: Okay. Thank you.

8 Let's go to 54, please.

9 (Whereupon, Defendant's Exhibit 54 was
10 marked for identification.) 22:23

11 BY MR. THOMPSON:

12 Q. All right. 54 is Plaintiff/
13 Counter-Defendant Yintao Yu's Responses and
14 Objections to ByteDance, Incorporated Requests For
15 Admission, Set One. 22:24

16 And, Mr. Yu, did you ever verify these
17 responses?

18 A. (In English:) Of course I did.

19 MR. THOMPSON: I don't have a
20 Verification. 22:24

21 MR. DORENBAUM: I'm not sure -- I'll
22 double-check.

23 MR. THOMPSON: Okay.

24 All right. Let's move to 55. Thank you.

25 (Whereupon, Defendant's Exhibit 55 was 22:25

1 marked for identification.)

2 BY MR. THOMPSON:

3 Q. Okay. These are Plaintiff's/
4 Counter-Defendant's Yintao Yu's Responses and
5 Objections to ByteDance's Demand for Production 22:25
6 and Inspection, Set One.

7 You've seen the request for -- or excuse
8 me. You've seen this Request for Production; is
9 that correct?

10 A. (In English:) Yes, I did. Yes, I did. 22:26

11 Q. And did you do a diligent search and a
12 reasonable inquiry to try to find all of the items
13 in these requests?

14 A. (In English:) Yes, I did.

15 MR. THOMPSON: And, again, these are not 22:26
16 verified.

17 All right. Thank you.

18 All right. We've already attached 56.

19 We'll attach a copy of the documents
20 produced today in deposition. They're identified 22:27
21 Bates YU12 through YU18.

22 Sorry. We only had one copy of these ran
23 off by the court reporter.

24 (Whereupon, Defendant's Exhibit 57 was
25 marked for identification.) 22:28

1 BY MR. THOMPSON:

2 Q. But why don't you take a look at them and
3 just tell me if those signatures that are on these
4 documents are all yours.

5 Are these all your signatures? 22:28

6 A. (In English:) These are all my
7 signatures.

8 Q. Okay.

9 THE REPORTER: What was 56?

10 MR. GUZMAN: The green card. 22:28

11 MR. THOMPSON: The green card.

12 BY MR. THOMPSON:

13 Q. All right. Mr. Yu, you understand that
14 your testimony has been taken down by the court
15 reporter today and also the videographer? 22:29

16 A. (In English:) Yes.

17 Q. Have you had any problem with the
18 translation during this deposition?

19 A. (In English:) I don't think so.

20 Q. Are there any questions that I have asked 22:29
21 you during this deposition that you didn't
22 understand?

23 A. (In English:) I think we -- we had a few,
24 but I clarified all of your -- we answer all the
25 question. 22:30

1 Q. Okay. And we had an exchange of
2 documents, originals, during this deposition, and
3 our attorneys took some pictures of yours, and
4 your attorneys took some pictures of ours.

5 And are there any other documents that you 22:30
6 have to produce today that are originals or any
7 other copies of anything pertaining to this
8 lawsuit?

9 A. (In English:) We -- we had some other
10 original we didn't bring, but we can -- we can 22:31
11 show it to you, if you want, later.

12 Q. Yes, please. What was that original of?

13 A. (In English:) I think you asked this same
14 question again during the deposition. You don't
15 remember? 22:31

16 Q. I -- I didn't know that you had another
17 original that you didn't bring to deposition.

18 A. (In English:) No, you asked me, and then
19 I told you that one is a -- advisory agreement and
20 then, like, a foreign registration for the Tank 22:31
21 Exchange. I answer your question. You asked me.

22 MR. DORENBAUM: Let me clarify -- do you
23 mind?

24 MR. THOMPSON: Please do.

25 MR. DORENBAUM: We've produced copies of 22:31

1 originals. It's not the original document, but
2 they are -- they've been produced to you as
3 copies.

4 MR. THOMPSON: And that's the Tank
5 exchanged documents? 22:31

6 MR. DORENBAUM: I believe so, yes.

7 MR. THOMPSON: Okay.

8 MR. DORENBAUM: I don't know exactly what
9 he is referring to, but we do have originals of
10 some of the documents that we've produced. We've 22:31
11 produced copies of those.

12 MR. THOMPSON: Okay. So...

13 Yeah, just so we make a little bit of a
14 record of this, though, if you have originals,
15 we'll ask maybe at some point that you produce 22:32
16 those so we can have our document examiner look at
17 his signatures. Okay? All right.

18 BY MR. THOMPSON:

19 Q. Mr. Yu, you have not taken personally any
20 photographs or videotape during this deposition 22:32
21 process, have you?

22 A. (In English:) No. You've been watching
23 me all the time.

24 Q. I understand.

25 And you have not recorded any of this 22:32

1 testimony yourself, have you?

2 A. (In English:) No.

3 Q. Okay.

4 A. (In English:) It's already being recorded

5 anyway. 22:32

6 Q. It is.

7 MR. THOMPSON: All right. Let's go off

8 the record for a second.

9 THE VIDEOGRAPHER: Time is 10:33 p.m., and

10 we are off the record. 22:33

11 (Recess taken.)

12 THE VIDEOGRAPHER: Time is 10:40 p.m. We

13 are back on the record.

14 MR. THOMPSON: All right. Thank everyone

15 for their patience today. We are going to go 22:40

16 ahead and adjourn the deposition.

17 We will reserve the right to come back,

18 Mr. Yu, if you produce something brand new that we

19 can't deal with in written discovery.

20 MR. JUNG: Any more questions? 22:41

21 MR. THOMPSON: Not now.

22 MR. JUNG: Okay. So do you want to know

23 the family relationships that you asked about?

24 MR. THOMPSON: Yes.

25 MR. JUNG: Okay. So I -- you can go ahead 22:41

1 and ask those. It was Harry, Ben, and I think the
2 other one was --

3 MR. GUZMAN: Brian.

4 MR. JUNG: -- Brian.

5 BY MR. THOMPSON: 22:41

6 Q. Go ahead, Mr. Yu. Who -- what are the
7 relationships to you of Harry, Ben, and Brian?

8 A. (In English:) Harry is my grandpa.

9 THE INTERPRETER: "Grandpa"?

10 THE WITNESS: (In English to Interpreter:) 22:42
11 "Grandpa."

12 THE INTERPRETER: (Interpreting.)

13 THE WITNESS: (In English to Interpreter:)
14 "Grandpa."

15 MR. THOMPSON: Grandfather. 22:42

16 THE INTERPRETER: "Grandpa," okay.

17 BY MR. THOMPSON:

18 Q. Who is Ben?

19 A. (In English:) Ben is my cousin.

20 Q. Okay. And Brian? 22:42

21 A. (In English:) Brian is another cousin.

22 MR. THOMPSON: Okay. Thank you.

23 THE WITNESS: (In English:) I think there
24 is also Yolanda Jin.

25 MR. JUNG: There was another one you asked 22:42

1 about, which was Yolanda Jin, but you -- I think
2 you actually didn't follow up on that, but that's
3 just a disclosure. You could have, but we're
4 offering that now.

5 BY MR. THOMPSON: 22:42

6 Q. And who is Yolanda?

7 A. (In English:) Yolanda is my grandma.

8 Q. Okay. And are there -- are it -- I'm
9 sorry. I'm tired.

10 Ben, Brian, Harry, and Yolanda, are those 22:42
11 all their legal names, or do they have a Chinese
12 sir name -- or first name?

13 A. (In English:) That's their -- their name.

14 MR. THOMPSON: Okay. Thank you.

15 BY MR. THOMPSON: 22:43

16 Q. So that is their legal name?

17 A. (In English:) Yeah.

18 MR. THOMPSON: Okay.

19 MR. GUZMAN: In China or in the U.S.?

20 BY MR. THOMPSON: 22:43

21 Q. Is that their legal name in the United
22 States or China?

23 A. (In English:) Both. It's their legal
24 name.

25 MR. THOMPSON: Okay. We'll leave it at 22:43

1 that. We can always follow up with
2 interrogatories.

3 Off the record.

4 THE INTERPRETER: (Interpreting.)

5 THE VIDEOGRAPHER: Time is 10:44 p.m., and 22:44
6 that concludes today's testimony.

7 (Whereupon, the deposition was.

8 concluded at 10:44 p.m.)

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1 STATE OF CALIFORNIA

2
3 REPORTER'S CERTIFICATE

4
5 I, EARLY LANGLEY, a Shorthand Reporter,
6 State of California, do hereby certify:

7 That YINTAO YU, in the foregoing deposition
8 named, was present and by me sworn as a witness in
9 the above-entitled action at the time and place
10 therein specified;

11 That said deposition was taken before me at
12 said time and place, and was taken down in
13 shorthand by me, a Certified Shorthand Reporter of
14 the State of California, and was thereafter
15 transcribed into typewriting, and that the
16 foregoing transcript constitutes a full, true and
17 correct report of said deposition and of the
18 proceedings that took place;

19 That before completion of the proceedings,
20 review of the transcript was not requested.

21 IN WITNESS WHEREOF, I have hereunder
22 subscribed my hand this June 14, 2024.

23 

24 EARLY LANGLEY, CSR NO. 3537
25 State of California

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Charles Thompson

Thompsoncha@gtlaw.com

June 14, 2024

RE: Yu, Yintao v. Bytedance, Inc., et al.

6/7/2024, Yintao Yu, (#6733289).

The above-referenced transcript has been completed by Veritext Legal Solutions and review of the transcript is being handled as follows:

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___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Code of Civil Procedure. Contact Veritext when the sealed original is required.

___ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

___ Signature Waived - Reading & Signature was waived at the time of the deposition.

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1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 _X_ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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